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Improving the safety and wellbeing of vulnerable children

A consolidation of systemic recommendations and evidence

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Australian Institute of Family Studies and the Australian Human Rights Commission

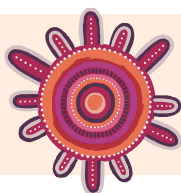
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Foreword

Ensuring the safety and wellbeing of Australia's children, especially those most vulnerable because of their circumstances, continues to be a contentious and elusive area of policy reform. Despite numerous inquiries and reviews, and reports sitting on the shelves, there are frequently calls for more Royal Commissions and inquiries. And yet there is much we can learn from previous inquiries in order to drive effective reform.

This report, the result of a collaboration between the Australian Institute of Family Studies and the Australian Human Rights Commission, examines more than 3,000 recommendations from 61 Royal Commissions and inquiries relevant to the child protection and youth justice systems held between 2010 and 2022. The research was funded by The Ian Potter Foundation.

These inquiries have often involved in-depth, evidence-based investigations, resulting in a comprehensive suite of recommendations, including on systemic reform, policy design, service delivery, evaluation and funding. They provide a rich source of information and evidence for policy and law makers and advocates seeking to improve outcomes for vulnerable children in Australia.

As Australia's National Children's Commissioner my priority is to ensure that our laws and policies are protecting the human rights and wellbeing of Australia's children.

In my view, we need to examine more closely the large number of recommendations from past inquiries, in order to understand the barriers to their implementation, how these barriers can be overcome, and to drive greater government accountability for evidence-based action.

Learning from the past to inform work on our current and emerging challenges is critical to the success of government policy initiatives.

It is my hope that the information in this report will be used as a catalyst for evidence-informed investment, policy and systems change, to enable the human rights and wellbeing of Australia's children and young people to be protected.

Anne Hollonds
National Children's Commissioner

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Views expressed in this publication are those of individual authors and may not reflect those of the Australian Institute of Family Studies, the Australian Human Rights Commission or the Australian Government.

Acronyms and abbreviations

Acronym/Abbreviation	Description
ACCOs	Aboriginal Community Controlled Organisations
ACF	Aboriginal Children's Forum
ACPP	Aboriginal Child Placement Principle
AHRC	Australian Human Rights Commission
AIFS	Australian Institute of Family Studies
AIHW	Australian Institute of Health and Welfare
CCS Act	Children and Community Services Act 2004 (Western Australia)
COAG	Council of Australian Governments
CPWs	Child Protection Workers
CSO	Community Service Organisation
CYPS	Child and Youth Protection Services [Australian Capital Territory]
DCP [SA]	Department for Child Protection [South Australia]
DCP [WA]	Department for Child Protection [Western Australia] (former department name)
DCYFS	Disability, Child, Youth and Family Services, Tasmania (former department name)
DET	Department of Education and Training, Victoria (former department name)
DHHS	Department of Health and Human Services, Victoria (former department name)
DJCS	Department of Justice and Community Safety, Victoria
DSS	Department of Social Services [Commonwealth]
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs [Commonwealth] (former department name)
KESO	Koorie Engagement Support Officer
KPIs	Key Performance Indicators
NDIS	National Disability Insurance Scheme
NFIWG	National Framework Implementation Working Group
OOHC	Out-of-home care
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
VOCAT	Victims of Crime Assistance Tribunal

Overview

This study aims to provide a national focus for reforms to the child protection and youth justice systems by examining the nature of recommendations from 61 reports and inquiries into these systems between the years of 2010 and 2022.

Key messages

- Existing evidence suggests that investment in prevention provides the best opportunities for change in child protection and youth justice.
- Most of the recommendations analysed were focused on supporting the needs of children and young people once they were already in contact with child protection or youth justice (also referred to as tertiary responses). Specifically, the content analysis employed as part of this study indicated that:
 - Just over 19% of recommendations were focused on prevention and early intervention strategies.
 - Over 50% of recommendations were concerned with supporting children and young people in child protection and youth justice systems.
 - Approximately 4% of recommendations focused on supporting children and young people in their transition from care or supervision.
- Around one-fifth of all recommendations were focused on supporting Aboriginal and Torres Strait Islander children and families at all stages of the child protection and youth justice system. This finding not only speaks to the over-representation of First Nations children and young people in out-of-home care and youth justice supervision but highlights the need to work in genuine partnership with First Nations children, families and communities to reduce this over-representation.
- The thematic analysis component of the study identified consistent repetition of 6 themes representing systems-level issues, showing that these core issues have not yet been successfully addressed by governments. The repetitiveness of these themes also illustrates the complexity of addressing such systems-level barriers, these being:
 - inadequate cross-system information sharing, collaboration and coordination across child protection and youth justice systems
 - limited First Nations partnership and self-determination across child protection and youth justice systems
 - lack of mechanisms for oversight, monitoring and transparency across child protection and youth justice systems
 - limited child protection and youth justice workforce capacity and support
 - inadequate levels of investment across child protection and youth justice systems
 - limited opportunities for child voice and participation within child protection and youth justice systems.
- The consistency of these systems-level themes over this 12-year period suggests that there is a wealth of knowledge, insight and data on the services and supports that would be effective in reducing the contact that vulnerable children and young people have with child protection and youth justice.
- These findings emphasise the need for stronger governance and accountability in monitoring the implementation of previous recommendations and highlight the need for a strong focus on their implementation.

1. Introduction

There have been a significant number of public inquiries into the child protection and youth justice systems over the past decade, resulting in calls for reform to support the needs, safety and wellbeing of children and young people in contact with these systems (Bastian, 2020; Clancey et al., 2020). However, it can be challenging to assess the 'impact' of public inquiries given their nature as 'transitional spaces between the personal and political' (Salter, 2020, p 214). Nonetheless, public inquiries and their resulting recommendations are important indicators of the policy issues on governments' agendas (Prasser, 2021). The recurrence of inquiries into similar (or the same) issues (such as child protection or youth justice), and the similarities in resulting recommendations, can illustrate the complexity of an issue and/or institutional inaction in addressing the problem (Prasser, 2021).

The aim of this report is to provide a national understanding of key areas for action within child protection and youth justice systems by analysing recommendations across multiple inquiries. The report will demonstrate the value of analysing recommendations arising from public inquiries as rich sources of data, drawing on findings of a thematic analysis of 3,005 recommendations from 61 inquiries and reports relating to child protection and/or youth justice between 2010 and 2022 (see [Appendix A](#) for full list of the reports analysed).

To date, there has been no consolidation of the evidence or recommendations from Australian reports and inquiries on child protection and youth justice. While there are some reviews of recommendations from these systems; for example, Clancey, Wang, and Lin's (2020) analysis of Australian youth justice inquiries between 2016 and 2019, there is little research that has synthesised child protection and youth justice inquiries across prevention,¹ early intervention² and tertiary responses.³ International evidence has limited transferability to the Australian context, due to distinctions between Commonwealth and state and territory responsibilities for child safety and youth justice, the over-representation of Aboriginal and Torres Strait Islander⁴ families and children in child protection and youth justice systems, and Australia's geographic challenges for service design and delivery.

1.1 Structure of report

Chapter 2 provides a background of the key characteristics of children and young people in contact with child protection, children and young people under youth justice supervision, and 'crossover' children and young people in contact with both systems.

Chapter 3 describes the study methodology, including data collection, the sample, data analysis process and limitations of the research.

Chapter 4 analyses the key topics covered in the recommendations including those focused on prevention and early intervention, supporting the needs of children and young people in child protection and youth justice systems, and leaving care or youth justice supervision.

Core systems-level barriers to addressing problems in child protection and youth justice systems are examined in chapter 5.

Finally, chapter 6 presents the discussion and considers some implications of this research.

1 Preventative measures, also referred to as 'primary prevention' measures, are those that focus on the delivery of universal services designed to be accessible to the entire population, and include health assessments, education and housing (Australian Institute of Family Studies [AIFS], 2016). Please note that this definition of preventative measures might not necessarily be consistent with the various definitions drawn on in the 61 reports analysed.

2 Early or secondary intervention measures are focused on delivering services to children who are at greater risk of experiencing child maltreatment (e.g. children and young people living in poverty). A common term used interchangeably with early or secondary intervention is 'early support(s)' (Department of Social Services [DSS], 2021). As described in *Safe and Supported*, 'One of the goals of early intervention is to prevent escalation to serious issues that may require a more intensive response involving child protection systems' (DSS, 2021, p 49). Please note that this definition of early intervention might not necessarily be consistent with the various definitions drawn on in the 61 reports analysed.

3 Tertiary intervention services are mostly delivered through statutory child protection systems and are designed to respond where maltreatment has occurred and to support children and young people who cannot live safely with their family of origin (AIFS, 2016; DSS, 2021). Please note that this definition of tertiary intervention might not necessarily be consistent with the various definitions drawn on in the 61 reports analysed.

4 The terms Aboriginal and Torres Strait Islander, First Nations and Indigenous are used interchangeably throughout this report to reflect the diversity of preferences held by Australia's First Peoples. Where an inquiry or report is discussed in this report, its elected terminology is used.

2. Background

Australia's federated model of government has resulted in differing policy and service responses to child protection and youth justice between state jurisdictions as well as lack of coordination and knowledge sharing about common issues and challenges. Legislation and policies in these areas of responsibility are set by each state and territory jurisdiction and, while systems are similar, there are some substantive differences and a lack of consistency in how systems and processes are designed and implemented (Australian Institute of Health and Welfare [AIHW], 2022a, 2023b).

One example is the 'threshold of risk' for mandatory reporting and investigations. In some states there appears to be a lower threshold of 'at risk of harm' versus the risk 'of significant harm' in others (Cashmore & Taylor, 2023, p 28). Youth justice processes, legislation and policies also differ by state and territory (AIHW, 2023d), including the age at which a young person is processed within the youth justice system (Rattenbury, 2023; Symes, 2023; Worden & Paech, 2023). Additionally, within each jurisdiction, there can be fragmentation of departmental responsibilities and provisions of funding, and approaches to the delivery of services and responses (NT Government, 2011).

Australia's efforts toward a more national and coordinated approach to protecting children commenced more than a decade ago, with the first 11-year framework. In *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009–2020 (Protecting Children)*, the Commonwealth expressed a commitment to a public health approach to protecting the safety of Australian children (Council of Australian Governments [COAG], 2009). The current framework, *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031 (Safe and Supported)*, is now in its third year.

Public health approaches focus on preventative (primary) and early intervention (secondary) measures to address social determinants of health and wellbeing and have been referred to as a 'blended approach' (Higgins, Lonne et al., 2019; Lines et al., 2023). These measures focus on the primary provision of universal services and supports for children and families (e.g. health and education) coupled with the availability of targeted supports for 'at-risk' cohorts⁵ (Higgins & Dean, 2020; Higgins, Lonne et al., 2019; Sanders, Higgins & Prinz, 2018).

Researchers have identified the importance of ensuring that secondary intervention or 'at risk' approaches are 'non-stigmatising' or 'non-blaming' (Higgins, Sanders et al., 2019). One way to achieve this is by normalising access to such services (e.g. parenting support services) so that families do not feel 'targeted' or like they are being 'punished' for accessing supports (Higgins, Sanders et al., 2019).

It is well-documented that investment in prevention and early intervention supports are effective at decreasing the risk of child abuse and neglect in the community, thereby reducing the burden on the overstretched child protection (Higgins & Dean, 2020; Higgins, Lonne et al., 2019) and youth justice systems (Gordon et al., 2021).

The guiding principles of *Safe and Supported* emphasise the importance of addressing 'access to quality, universal and targeted services to improve outcomes for children, young people and families' (DSS, 2021, p 36). Notably, *Safe and Supported* is designed to align with the *National Agreement on Closing the Gap*, specifically Target 12, which seeks to reduce the over-representation of First Nations children and young people in out-of-home care (OOHC) (Joint Council on Closing the Gap, 2020).

The *United Nations Convention on the Rights of the Child* (UNCRC) was ratified by Australia in 1990, with the Convention shaping these National Frameworks to some extent. Both National Frameworks reference the Convention, with *Safe and Supported* pointing to the key principles of: 'non-discrimination; the right to life; survival and development; respect for the views of the child and devotion to the best interest of the child' (DSS, 2021, p 14) as guiding the Framework.

This broader policy context has been the backdrop to numerous reports and public inquiries (including royal commissions) into child protection and youth justice systems. Such inquiries are recognised as important tools to influence and shape public policy (Althaus et al., 2022; Mintrom et al., 2021; Stark & Yates, 2021) and typically result in a series of recommendations for governments and other key policy actors to consider, respond to and implement to address a policy problem (Mintrom et al., 2021).

⁵ 'At-risk' cohorts 'refers to children, young people and families whose circumstances are causing concern for the safety and/or welfare of the child or young person' (DSS, 2021, p 48). Please note that this definition of 'at risk' cohorts might not necessarily be consistent with the various definitions drawn on in the 61 reports analysed.

Section 2.1 below provides context and background on the children and young people who are the subject of these inquiries, highlighting the complexity of their circumstances and experiences, which have compelled governments to repeatedly inquire into child protection and youth justice systems.

2.1 Children and young people in contact with child protection

Children and young people in contact with the state and territory statutory child protection system are typically characterised by various forms of disadvantage and experiences of maltreatment resulting in poorer mental and physical health outcomes. These outcomes can be further shaped by their contact with child protection systems (Baidawi & Sheehan, 2019; Monson et al., 2019). Aboriginal and Torres Strait Islander children and young people are also consistently over-represented in the child protection system (AIHW, 2023a).

Child maltreatment is a significant social problem. In 2021–22, 275,000 notifications of alleged child maltreatment were received nationally (AIHW, 2023a), with around 45,500 children being found to have been subject to maltreatment (AIHW, 2023a). Aboriginal and Torres Strait Islander children were significantly over-represented in this group at approximately 30% of the children whose maltreatment was substantiated by investigation (AIHW, 2023a). Emotional abuse was the most common form of maltreatment experienced (experienced by 57%).

Of these substantiated cases, 51% were girls, and around 33% were found to be from the lowest socio-economic areas (AIHW, 2023a). In addition, those under the age of one were found to be at greater risk of maltreatment than other children (15 per 1,000) (AIHW, 2023a) and those living in very remote areas were nearly 4 times more likely to be subject to maltreatment than their counterparts located in large cities (6.6 per 100) (AIHW, 2023a).

The Aboriginal and Torres Strait Islander Child Placement Principle (ACPP) Framework

The higher rate of Aboriginal and Torres Strait Islander children in child protection is a complex issue affected by a legacy of past policies of forced removal, intergenerational effects of previous separation from family and culture, and a higher likelihood of living in the lowest socio-economic regions (AIHW, 2023a).

Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples states that all 'Indigenous peoples have the right to self-determination' (UN, 2007), with the *National Agreement on Closing the Gap 2020, Safe and Supported*, and the ACPP all reflecting this right. Notably, one of the core findings of the report *Bringing them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, published in 1997 (and established in 1995), was that:

self-determination for Indigenous peoples provides the key to reversing the over-representation of Indigenous children in the child welfare and juvenile justice systems of the States and Territories and to eliminating unjustified removals of Indigenous children from their families and communities. (Human Rights and Equal Opportunity Commission, 1997, p 15)

The Aboriginal and Torres Strait Islander Child Placement Principle (ACPP) is a framework designed to promote and support Aboriginal and Torres Strait Islander peoples' right to self-determination⁶ in relation to child safety, connection to culture (which is directly linked to health, safety and wellbeing) in the child protection system, and to address the over-representation of Aboriginal and Torres Strait Islander children in OOHC (DSS, 2021). The ACPP is recognised in the *Safe and Supported* framework, outlining the key goal of 'embedding the 5 elements of the Aboriginal and Torres Strait Islander Child Placement Principle' across jurisdictions (DSS, 2021). These elements are:

- Prevention
- Partnership
- Participation
- Placement
- Connection.

⁶ 'Self-determination is a collective right of Aboriginal and Torres Strait Islander peoples to determine and control their own destiny. It is a right of Aboriginal and Torres Strait Islander peoples to exercise autonomy in their own affairs and to maintain and strengthen distinct political, legal, economic, social and cultural institutions' (DSS, 2021, p 51). Please note that this definition of 'self-determination' might not necessarily be consistent the various definitions drawn on in the 61 reports analysed.

An important element of the ACP's Placement element is ensuring that First Nations children are placed with kin. The placement hierarchy is as follows:

- 1 with Aboriginal and Torres Strait Islander or non-Indigenous relatives or extended family members (kin)
- 2 with Aboriginal and Torres Strait Islander members of the child's community
- 3 with Aboriginal and Torres Strait Islander family-based carers. (AIHW, 2020, p 5)

Out-of-home care

Out-of-home care (OOHC) refers to alternative accommodation for children and young people who are not able to live with their parents (Department of Families, Housing, Community Services and Indigenous Affairs⁷ [FaHCSIA] & National Framework Implementation Working Group [NFIWG], 2011). Out-of-home care varies by state and territory but can include:

- foster care – where placement is in the home of a carer who is receiving a payment from a state or territory for caring for a child
- relative or kinship care – where the caregiver is a family member or a person with a pre-existing relationship to the child
- family group homes – where placement is in a residential building owned by the jurisdiction and typically run like a family home; they have a limited number of children cared for around the clock by resident carers
- residential care – where placement is in a residential building providing placements for children and there are paid staff (FaHCSIA & NFIWG, 2011, pp 3–4).

Nationally, a total of 45,393 children were in OOHC on 30 June 2022. Of those children in OOHC, most (32%) were between 10 and 14 years of age (AIHW, 2023a) (see Table 1 in [Appendix B](#)), with the Northern Territory having the highest proportion of children in OOHC (see Table 2 in [Appendix B](#)). The rate of children living in regional or remote areas who were in OOHC was more than twice that of children living in major cities (AIHW, 2023a). Around 42% of those in OOHC were Aboriginal and Torres Strait Islander children (AIHW, 2023a). Disability status was known for 71% of the children in OOHC and, of these children, 29% were living with a disability (AIHW, 2023a).

For children in OOHC, 'permanency' refers to receiving relationship permanence (positive, caring and stable relationships with significant others), physical permanence (stable living environments), and legal permanence (custody and guardianship) (AIHW, 2023c). The aim is to provide a supportive, stable and permanent home in a timely manner (AIHW, 2023c). Permanency outcomes include preservation, reunification, third-party parental responsibility orders and adoptions. For some children a long-term placement in OOHC is considered a suitable outcome (AIHW, 2023c), and recent figures indicate that a majority of children in OOHC (70%) had been in care for 2 years or more – defined as long-term care (AIHW, 2023a).

It should be noted that a permanency outcome is not the same as 'achieving permanency' and does not mean relationship permanency. In 2020–21, 1 in 5 children in OOHC were reunited with family, and about three-quarters of children received a permanency outcome within 2 years of entering OOHC (AIHW, 2023c). Of the children that left OOHC in 2020–21 to a permanency outcome, 87% did not return to OOHC within 12 months (AIHW, 2023c).

2.2 Children and young people under youth justice supervision

The age that a young person may enter the youth justice system varies between states and territories in Australia (Rattenbury, 2023; Symes, 2023; Worden & Paech, 2023). At the time of writing, the upper age limit for the youth justice system is 17 (at the time of an offence) in all states and territories (AIHW, 2023d). However, in Victoria a young person aged 18–20 may be sentenced to youth detention rather than an adult prison (this is referred to as the 'dual track' system) if they are found to be immature, particularly impressionable or likely to be subject to undesirable influences in an adult prison (AIHW, 2023d). Additionally, young people aged 18 may be part of the youth justice system if they committed their offence when they were aged 17 or under but were sentenced later, or if their sentence period began before they turned 18 years of age and continues afterwards (AIHW, 2023d).

Youth justice supervision can involve either community-based supervision or custodial detention which is used as a last resort in accordance with the UNCRC (AIHW, 2023d; United Nations [UN], 1989). Although most young

⁷ Now known as the Department of Social Services (DSS).

people are supervised within the community, detention includes young people who have been sentenced and those who are either awaiting the outcome of their court case or have been found guilty and are awaiting sentencing (AIHW, 2023d).

Who are the young people in the youth justice system?

On an average day in 2021–22, there were 4,536 young people in youth justice supervision across Australia, either in community supervision (3,742) or detention (822) (AIHW, 2023d). Overall, a total of 8,982 young people were under supervision at some point during the year (AIHW, 2023d). The Northern Territory and Queensland had the highest rates of young people under supervision while Victoria had the lowest (AIHW, 2023d) (see Table 3 in [Appendix B](#)).

Boys are more likely than girls to be under supervision being the majority of young people in both community supervision (79%) and detention (90%) on an average day (AIHW, 2023d). Most were aged between 14–17 (71%).

Young people from remote and very remote areas were 6–7 times as likely than those from major cities to be under community-based supervision and 8 times as likely to be in detention (AIHW, 2023d). Young people from the lowest socio-economic areas were 5 times as likely to be under supervision as those from the highest (AIHW, 2023d).

What is starkly apparent is the over-representation of Aboriginal and Torres Strait Islander young people under supervision. On an average day in 2021–22, Aboriginal and Torres Strait Islander young people aged 10–17 were 19 times as likely as non-Indigenous young people to be under supervision and were over-represented in youth supervision in every state and territory (AIHW, 2023d).

Recent reviews and inquiries (between the years of 2016 and 2019) of state and territory youth justice systems confirm that young people entering youth justice systems are a vulnerable population and are likely to have a number of complex needs (Clancey et al., 2020). Those in the youth justice system often come from challenging home circumstances and dysfunctional family environments, have exposure to family violence, socio-economic disadvantage and a family history of justice system contact (Clancey et al., 2020). The multiple reviews and inquiries in Australia have also revealed that young people in youth justice are often more likely to live with cognitive disability, mental health issues, and have experiences of childhood abuse/neglect and disrupted education (Clancey et al., 2020).

Malvaso and colleagues (2022) explored the different characteristics and outcomes for young people who had early versus late contact with the youth justice system. Examining data from children in South Australia born between 1991 and 2002, they found that children who had contact with the youth justice system were more likely to have had their first supervision when they were 14 years of age or older (83.7%). On the other hand, a small number (16.3%) had their first supervision aged under 14 (Malvaso et al., 2022). Children who had youth justice contact before the age of 14 were more disadvantaged at birth and were more likely to experience at least one mental health-related hospitalisation between the ages of 12 and 18, compared to those who had no contact with youth justice or who had contact when 14 years or older (Malvaso et al., 2022). Malvaso and colleagues (2022) concluded that complex circumstances precede and co-occur with youth justice involvement. Early life adversity and poor adolescent mental health were more pronounced for young people who had early contact with the system compared to those who had late contact – which they argued indicated a need for investment in early supports.

2.3 The ‘crossover’: children and young people in contact with child protection and youth justice

Children and young people who are in contact with statutory child protection are over-represented in the youth justice system (Baidawi & Ball, 2023b; Baidawi & Sheehan, 2019). A majority (53%) of young people under youth justice supervision in Australia during 2020–21 had had an interaction with the child protection system in the previous 5 years (AIHW, 2022b). This over-representation has been referred to as the ‘care-to-custody’ pipeline, and young people involved in both the child protection and youth justice systems have been called ‘crossover’ children by some academics (Baidawi & Ball, 2023a; Baidawi & Sheehan, 2019).

Girls were more likely than boys (71% vs 49%) and Aboriginal and Torres Strait Islander young people were more likely than non-Indigenous young people (64% vs 46%) to have had an earlier interaction with the child protection system (AIHW, 2022b) prior to entering youth justice. These trends have remained stable with little variation between 2017 and 2021 (AIHW, 2022b).

Age appears to be a particularly salient feature. The younger a child was at their first youth justice supervision, the more likely they were to have had an interaction with the child protection system in the 5 years prior (see Table 4 in [Appendix C](#)) (AIHW, 2022b). In 2020–21, 81% of those aged 10 at their first youth justice supervision had had an interaction with the child protection system at some point in the 5 years prior (AIHW, 2022b). These rates decrease steadily as the age at first supervision increases with less than a third (31%) of those aged 17 and less than a fifth (18%) of those aged 18 at their first supervision having had an interaction with the child protection system during the previous 5 years (AIHW, 2022b).

The rate of young people under youth justice supervision in 2020–21 who had had an interaction with the child protection system in the previous 5 years was highest in the Northern Territory (69%) and the Australian Capital Territory (61%); while in 2 states, Tasmania and South Australia, less than half of young people under youth justice supervision in 2020–21 had had an interaction with the child protection system in the previous 5 years (42% and 38% respectively) (AIHW, 2022b).

In a qualitative study, Ball and Baidawi (2021) sought stakeholder views on the unique characteristics and service needs of Aboriginal crossover children. Key stakeholders working with Aboriginal children in child protection and youth justice noted greater socio-economic disadvantage, maltreatment and household adversity among Aboriginal crossover children (Ball & Baidawi, 2021). Stakeholders suggested persistent barriers to cultural connection and cultural identity development, and intergenerational trauma impacted the wellbeing trajectories of Aboriginal crossover children (Ball & Baidawi, 2021).

Crossover children in general have been found to face systemic disadvantage when in the residential care environment and in each of their youth justice system experiences from interactions with police, bail and remand to contact with lawyers and courts in sentencing and coordination of services (Baidawi & Ball, 2023b). Crossover children have been found to be less likely to have a relative caregiver, experience greater maltreatment, have higher rates of OOHC placement, present with more serious offending profiles and have more complex support needs due to neurodiversity, mental illness and substance misuse than other court-involved children (Baidawi & Ball, 2023a; Baidawi & Piquero, 2021; Baidawi & Sheehan, 2019).

3. The current study: methodology

3.1 Data collection and sample

This review was based on the analysis of recommendations from reports and inquiries on child protection and youth justice in Australia from 2010 to 2022. The AHRC conducted an initial review of 2,460 recommendations from 46 reports and inquiries on child protection and youth justice in Australia between 2010 and 2020. The AIFS research team refined and updated this evidence base, identifying a further 15 reports published in 2021 and 2022. Interim reports were not in the scope of this study.

A purposeful sampling strategy was employed by both AHRC and AIFS in the selection of reports for inclusion in the sample; a technique whereby 'information-rich cases' are selected for in-depth analysis to address the purpose of the research (Patton, 1990, p 169). AHRC and AIFS selected a range of Commonwealth, state and territory inquiries related to child protection and youth justice between 2010 and 2022. To ensure a spread of reports in the sample across all jurisdictions, some smaller and lesser-known reports and inquiries were also selected in the more recent years in some of the jurisdictions that were not as well represented in the sample (e.g. South Australia).

The final dataset analysed by the AIFS team was comprised of 3,005 recommendations from 61 reports (see [Appendix A](#) for full list of reports analysed).

3.2 Data analysis

Analysis of the recommendations from reports and inquiries on child protection and youth justice took place in 2 key stages:

(1) AIFS analysed the reports using a content analysis⁸ which is a descriptive approach to systematically categorise large volumes of data (in this case, into key topics) and to quantify or count how many times these particular categories appear in the data (Bengtsson, 2016).

The findings from the content analysis provided important insights into the frequency of various topics or concepts that were reported on. The findings from the content analysis are presented in chapter 5.

(2) The AIFS research team then thematically analysed the dataset. This provides an interpretation of the topics and how they link together to form broader themes.⁹ Themes can cut across multiple topics.¹⁰ Chapter 6 presents an in-depth analysis of the cross-cutting themes.

Government responses to reports and inquiries

AIFS searched across the 61 reports to determine the number of government responses to reports and inquiries. Where a government had addressed findings or recommendations of a report/inquiry in the form of a statement, it was counted as a government response regardless of whether they had implemented any of the recommendations.

Relevant governments responded to just over half (51%) of the reports and inquiries. The authors note that this does not necessarily mean that the report or inquiry was not responded to. However, it does mean that an explicit publicly available response from the relevant government could not be sourced.

3.3 Study limitations

Due to limited scope and time constraints, it is important to note that the reports selected for analysis are not inclusive of all Commonwealth and state and territory inquiries and reports on child protection and youth justice between the years of 2010 and 2022. It is also important to note that there are some potentially relevant reports that were excluded, for example, the *Victorian Youth Justice Review and Strategy* (2017). The decision to exclude this report was based on the inclusion of a selection of other reports in the same jurisdiction (15 Victorian reports included in the sample in total) and took into account the inclusion of other more recent reports in Victoria.

Additionally, this research did not examine the extent to which governments have implemented recommendations. This could be challenging to determine as governments sometimes implement reforms without directly referencing a report or inquiry as being the impetus behind the change. Further, governments vary in how they acknowledge receipt of reports and inquiries and/or document any responses to them.

It was also beyond the scope to determine how inquiries, reports and recommendations have shaped policy making and priorities in the arenas of child protection and youth justice. Indeed, researchers have pointed to the non-linear nature of the Australian policy cycle (e.g. Althaus et al., 2022). It is a process that occurs across multiple institutional levels (i.e. politics, administration and policy) and in a broader social context where external players (e.g. the media, business sector and the wider community) influence government priorities for reform (Althaus et al., 2022).

In their analysis of recurring themes across inquiries into youth justice, Clancey and colleagues (2020) observed that since the Australian Broadcasting Corporation's (ABC) 2016 investigation into the operation of the Don Dale

8 The content analysis process involved categorising each recommendation to a set of codes (and a codebook defining each code) provided by the AHRC based on key topics covered in a number of the reports in the sample, themes from existing research, and the AHRC's knowledge and expertise on child protection and youth justice systems. These codes were descriptive in nature and fell under 5 key topics: child protection, youth justice, social determinants, systems, and demographic groups, with a series of subcodes under each broad topic. As coding progressed, the AIFS research team identified a small number of inductive codes that were included in the coding frame.

9 AIFS and AHRC met regularly during the thematic analysis phase and held a joint workshop to discuss the data and the preliminary themes. AHRC provided insights and feedback throughout the analysis and the writing of this report. The systems-level themes presented in chapter 6 were identified through an inductive process that involved drawing links between the standalone descriptive content codes and collapsing codes into 'themes' according to shared meanings, patterns and organising concepts across the dataset (Braun & Clarke, 2021a, 2021b). Grouping the content codes into key system stages assisted in further developing themes that cut across all stages.

10 For example, we found that issues related to First Nations participation and self-determination were captured in prevention and early intervention, in OOHC and youth justice supervision, and in the leaving care or supervision stages, making it an important overarching theme.

Youth Detention Centre in the Northern Territory aired on the television program *Four Corners*, there was an explosion of inquiries across jurisdictions into youth justice systems. This example highlights the ‘messiness’ of the policy-making process and the multiple forces that shape government priorities and actions. To address the ‘impact’ that various recommendations have had on child protection and youth justice policy, a separate in-depth analysis would be required.

The topics covered in this report are those most commonly focused on in the recommendations and it is beyond the scope of the report to capture every topic covered.

4. What did the recommendations say?

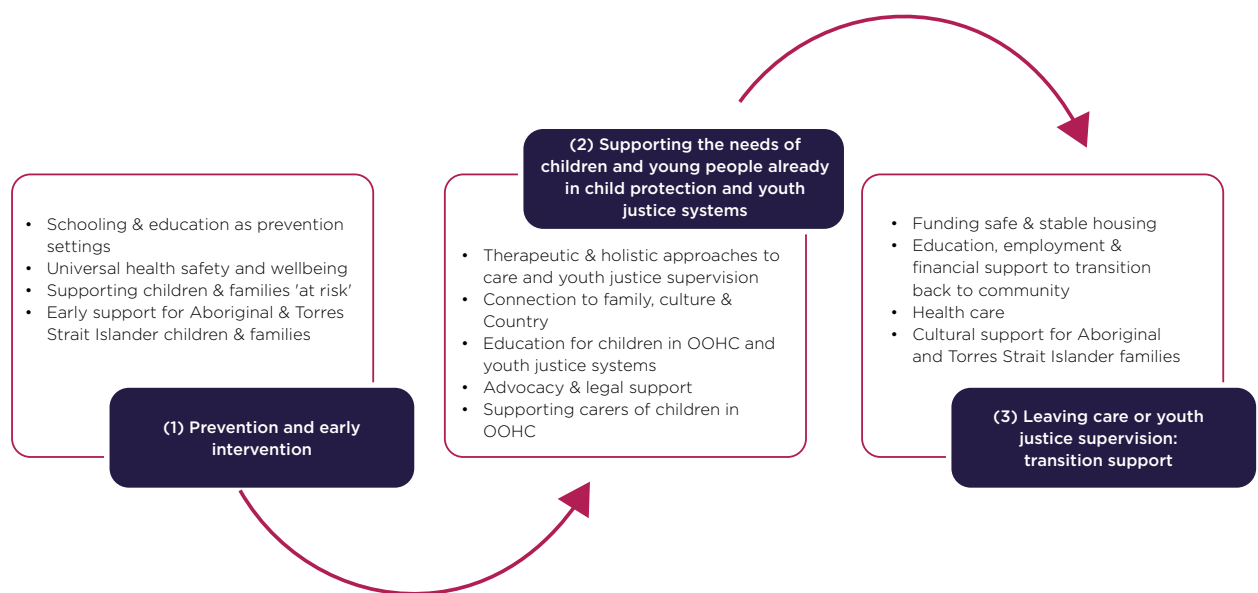
The goal of this chapter is to describe the key topics covered in the 3,005 recommendations. These topics serve as the ‘building blocks’ for the more in-depth analysis of cross-cutting themes in chapter 5.

The recommendations in the reports and inquiries fell into 3 main topics (see Figure 1):

- prevention and early intervention (approximately 19%)
- supporting the needs of children and young people already in the child protection and youth justice systems (Just over 50%)
- leaving care or youth justice supervision (approximately 4%).

More detail on specific examples relating to each topic is provided in Appendices C, D, E and F.

Figure 1: What did recommendations say? Key topics covered in recommendations according to system stage



4.1 Prevention and early intervention

Just over 19% of the 3,005 inquiry recommendations –spread across 49 reports (80% of the total number analysed) – were focused on prevention and/or early intervention strategies across youth justice and child protection systems.¹¹ These recommendations are potentially of most interest for government focus due to the

¹¹ We found that despite many reports having clear Terms of Reference (TOR), their scope was not necessarily limited by the TOR. For example, while the TOR for the *In our own words* (2019) inquiry were focused on understanding the lived experiences of children and young people already in the Victorian OOHC system, some recommendations in the report were also focused on primary and secondary measures. For example, recommendation 3 of the *In our own words* report was to ‘address the over-representation of Aboriginal children and young people in care.’

extensive evidence base supporting the effectiveness of prevention and early intervention supports (Gordon et al., 2021; Higgins & Dean, 2020; Higgins, Lonne et al., 2019).

The key areas highlighted in the recommendations for prevention and early intervention were:

- schooling and education as prevention settings
- universal health, safety and wellbeing
- supporting children and families 'at risk'
- early support for Aboriginal and Torres Strait Islander children and families.

These key areas are discussed in brief below. Examples of recommendations that exemplify or illustrate these areas are listed in [Appendix C](#).

Schooling and education as prevention settings

The importance of schooling and education in early intervention and prevention has been highlighted in the research literature (e.g. Haslam et al., 2023; Higgins, Lonne et al., 2019; Mathews, 2023). Nearly 15% of the recommendations on prevention and early intervention (which represents 19% of the total recommendations) drew attention to schools as 'focal points' for early intervention work. Recurring across the inquiry recommendations were calls for:

- increased funding for social workers, psychologists and other support staff in schools
- investment in curriculum development to ensure that all children have access to education on topics such as healthy relationships and consent.

While schools were considered important in providing universal supports to all children, recommendations also identified them as an opportunity to provide further targeted support to 'at-risk' children in a 'non-stigmatising' environment. Schools provide opportunities to link families into supports and services via the school setting, and support their voluntary engagement with them (Higgins, Sanders et al., 2019; Higgins & Dean, 2020).

By contrast, some tertiary intervention can be experienced as coercive by families who may be fearful and hesitant to engage with authorities (Higgins, Sanders et al., 2019).

Some of the cohorts highlighted as being a key focus for schools to provide targeted support to were:

- students in remote areas
- children with disability
- more generally 'disadvantaged' cohorts.

See [Appendix C](#) for a series of example recommendations related to schooling and education as prevention settings.

Universal health, safety and wellbeing

Universal health services (services that target entire communities or populations, e.g. general practitioners) are also key points of contact with children and young people and represent opportunities for prevention and early intervention before problems occur (Higgins, Lonne et al., 2019). Consistent with this, a series of recommendations emphasised the benefits of investment in community 'hubs', such as 'child and family centres', as well as mental health services that linked children and families with more targeted supports as required. However, several recommendations also noted that key to investing in these universal services was ensuring that the services were well integrated across the child protection and youth justice service system to avoid organisational 'siloing' (where organisations do not interact and operate in isolation from one another). See [Appendix C](#) for a series of example recommendations related to universal health, safety and wellbeing.

Supporting children and families 'at risk'

Multiple recommendations focused on the need for more targeted services to support early intervention efforts for 'at-risk' groups, including:

- children and young people who 'witness or experience' DFV
- families in need of parenting skills and support
- children and young people not attending important health checks
- children and young people who display 'harmful sexual behaviours.'

There was a broad focus on therapeutic, trauma-informed approaches to service delivery that should be designed to take clients' experiences of trauma and its impacts into account (Wall et al., 2016).

Early support for Aboriginal and Torres Strait Islander children and families

Approximately 21% of the 3,005 recommendations were focused on the experiences and needs of Aboriginal and Torres Strait Islander children and families. Aboriginal and Torres Strait Islander children and families were the most frequently referenced as an 'at-risk' cohort across the recommendations. The recommendations that focused on supports for Aboriginal and Torres Strait Islander families often called for programs to be designed in consultation, partnership or collaboration with First Nations communities to ensure their cultural appropriateness.

The volume of recommendations on early supports for First Nations children and families is reflective of the over-representation in OOHC placement and youth justice involvement for Aboriginal and Torres Strait Islander children and young people. This over-representation has informed Target 11 and 12 of the *National Agreement on Closing the Gap*. Target 11 aims to 'reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years old) in detention by at least 30%' by 2031 (Joint Council on Closing the Gap, 2020, p 33). Target 12 aims to 'reduce the rate of over-representation of Aboriginal and Torres Strait Islander children (0–17 years old) in out-of-home care by 45%' by 2031 (Joint Council on Closing the Gap, 2020, p 35).

A recent recommendation from the *Final Report of the South Australian Dual Involved Project* (2022) relating to early intervention (for youth justice system involvement) demonstrated the damage that these two systems can create, including the criminalisation of young Aboriginal and Torres Strait Islander people in residential care. The recommendation cited the need for residential care facilities to recognise and address the need for connection to culture for children that have the potential to be criminalised (for example by police being called for challenging behaviours). [Appendix C](#) contains a series of example recommendations related to supporting Aboriginal and Torres Strait Islander children and families in the context of prevention and early intervention.

The repetition of recommendations between the years of 2012 and 2022 highlights the persistence of over-representation that has not yet been adequately addressed by successive Commonwealth, state and territory governments.

4.2 Supporting the needs of children and young people already in child protection and youth justice systems

Despite extensive evidence highlighting the benefits of longer-term prevention and early intervention strategies for vulnerable children and families (Herrenkohl et al., 2016), our findings indicated that, across all 61 reports, there was a central focus on how the system was structured and coordinated once children and young people were already in OOHC and/or youth justice supervision.

Recommendations concerned with supporting the needs of children and young people already in OOHC and/or youth justice supervision accounted for just over half of the 3,005 recommendations.

Therapeutic and holistic approaches to care and youth justice supervision

A recurring area related to therapeutic and holistic approaches¹² to care and youth justice supervision.

Therapeutic approaches to care and youth justice supervision encompass a range of services and supports. They refer to approaches that are trauma-informed – embedding an understanding of children's responses to trauma at all levels of an institution, organisation or service (DSS, 2021; Wall et al., 2016). Lack of access to such support can have detrimental effects on children and young people in youth justice supervision and OOHC (Baldry et al., 2018) such as criminalising or punishing behaviours or disability that are manifestations of experiencing trauma (Baldry et al., 2018).

In the context of youth justice supervision, recommendations around therapeutic approaches related to:

- the provision of alternatives to seclusion or isolation in detention centres

¹² Those which are designed to support children and young people across the areas of health, mental health and wellbeing (e.g. emotional, social, spiritual).

- calls for the establishment of more 'home-like' environments for young people to reside in
- the importance of staff training and understanding of trauma behaviours or responses that should not be further criminalised and be treated in a culturally safe manner.

Recommendations for OOHC described the need for comprehensive therapeutic supports for children and young people, including for the specific needs of children with disability and children and young people with complex behaviours. Features such as flexible care planning that incorporates the 'whole person'; for example, a care plan centred on the child's goals and ambitions were indicated (See [Appendix D](#) for a series of example recommendations related to therapeutic approaches to care and youth justice supervision).

Key themes that cut across OOHC and youth justice supervision contexts were recommendations on the need for approaches that ensure:

- connection to family, culture and Country
- access to and engagement with education
- access to advocacy and legal support.

Connection to family, culture and Country

Improving the design and delivery of cultural care and support plans to facilitate First Nations children's connection to family, culture and Country was emphasised across the recommendations. This included working in genuine partnership with First Nations children and families. Some recommendations requested that departments review their approaches to cultural support so that First Nations children and their families are more actively involved in planning via mechanisms such as Family Group Conferencing (See [Appendix D](#) for a series of example recommendations related to connection to family, culture and Country).

These recommendations are grounded in the evidence base as research shows that connection to family, culture and Country are fundamental to the health and wellbeing of Aboriginal and Torres Strait Islander peoples (Butcher et al., 2022; Krakouer et al., 2018) and are integral to holistic approaches to care. However, children and young people in care and youth justice supervision are at risk of disconnection, despite broader commitments to the National Agreement on Closing the Gap and the ACPP (Butcher et al., 2022; Krakouer et al., 2018).

Education for children in OOHC and youth justice systems

Research shows that disruptions to schooling and education are common experiences for children and young people in OOHC and youth justice supervision. For example, children in OOHC typically move between multiple placements, which also means changing schools and losing important connections (Roche et al., 2023). Access and connection to education for children and young people under youth justice supervision has also been recognised by researchers as a key 'protective factor' to prevent reoffending, and an important way to support societal integration for children and young people, particularly for those in custody (White et al., 2019).

At the same time, researchers have cautioned that notions around what 'education' involves should go beyond mainstream understandings and practices and should be trauma-informed and child-centred to ensure that vulnerable children and young people can maintain this connection to education (Roche et al., 2023). Recent research indicates that trauma-informed and child-centred approaches to education need to be flexible and tailored to a child's individual needs, while facilitating expression of and connection to culture (Roche et al., 2023).

Consistent with this observation, a number of recommendations focused on the needs of Aboriginal and Torres Strait Islander children and young people in relation to education. Key findings arising from the 2016 *Systemic Inquiry into Services Provided to Aboriginal Children and Young People in out-of-home care in Victoria* indicated poor departmental compliance with policy supporting Aboriginal and Torres Strait Islander children's education while in OOHC. Such policies included the provision of individual education plans, as well as a Koorie Engagement Support Officer (KESO) for each child in OOHC. The role of KESOs is to work with families, teachers and children as a wraparound support in the education system, ensuring that children and young people are receiving culturally supportive education and being supported to fully and comfortably engage in schooling. The inquiry recommended that compliance be more closely monitored.

Advocacy and legal support

Advocacy and legal support were identified as further key components of a broader holistic approach to supporting children and young people in OOHC and/or youth justice supervision. Some recommendations called for greater legal aid funding for vulnerable children and families, as well as specific legal supports for children and

young people with disability, children and young people with complex trauma-related behaviours and Aboriginal and Torres Strait Islander children and families. For example, the 2019 *Our Booris, our way* report from the ACT highlighted Family Group Conferencing as an important and essential process for Aboriginal and Torres Strait Islander children and families in relation to advocacy, while calling for additional funding to be provided to these families to access legal services.

Research indicates that the 'disempowering' nature (including power imbalances between child protection practitioners and children/parents) of child protection systems make this advocacy crucial not just for children and young people but for parents and families attempting to navigate these systems (Fitt et al., 2023; Maylea et al., 2023). One example from Western Australia's 2021 *Independent Review into the Department of Communities' Policies and Practices in the Placement of Children with Harmful Sexual Behaviours in Residential Care Settings* recommended the implementation of an 'independent advocacy function' for children and young people, to support them to report when they are feeling unsafe or have concerns about any aspect of their care (See [Appendix D](#) for a series of example recommendations related to advocacy and legal support).

Supporting carers of children in OOHC

Approximately 7% of all 3,005 recommendations highlighted that to support the needs of children and young people in OOHC, kinship and foster carers must also be adequately supported, with 15 of the 61 reports and inquiries analysed specifically noting the support needs and/or recruitment and retention of kinship carers. Nine of these 15 reports drew attention to the need for culturally appropriate assessment tools for kinship carers, with 3 specifically calling for the implementation of the Winangay assessment¹³ tool (or similar tool). Other reports simply recommended 'culturally appropriate' kinship carer assessment tools that ensured Aboriginal and Torres Strait Islander peoples were not unreasonably assessed based on perceived 'disadvantage'.

There were persistent concerns about the lack of financial support provided to kinship carers, with calls for reviews of the compensation for kinship carers, and for it to be consistent with compensation provided to foster carers. There were also recommendations related to compensation needing to be commensurate with the level of care provided to children and young people, specifically those with complex needs.

Professional development needs for both kinship and foster carers was another subtopic identified in the recommendations, particularly in relation to training on how to manage trauma-related behaviours and support children who have experienced trauma. While there was also a focus on the provision of advocacy and the availability of this support for carers in the form of professional support groups, and peak bodies, there was less of a focus on trauma-informed supports required by carers (see [Appendix D](#) for a series of example recommendations related to supporting carers).

These recommendations are supported by research that shows carers experience stressors in relation to their caring role, including financial challenges, stress and challenges related to navigating and engaging with the child protection system (McPherson et al., 2022). A recent Australian study also found that while foster and kinship carers are knowledgeable and skilled in the provision of trauma-informed care and support to children and young people, they face a number of challenges in receiving trauma-informed supports from the broader child protection system (Cooper et al., 2023). Carers in this study also indicated that they found training in the provision of trauma-informed care useful but they often felt excluded from some aspects of children's care. Examples included practitioners not sharing information, (including about the child's previous experiences of abuse), or not being included in the care team like paid professionals (Cooper et al., 2023). This made it more difficult for them to care and advocate for the children and young people in their care (Cooper et al., 2023). The study highlighted power imbalances between themselves and child protection workers.

A recent study conducted by AIFS in 2020–21 found the challenges faced by carers often stem from the OOHC system, such as not getting adequate information about the child or the placement, not being included in decisions about children in their care and repeated changes of caseworkers (Smart et al., 2022). Carers were also shown to experience financial challenges and difficulties supporting connection to community, culture and Country for Aboriginal and Torres Strait Islander children (Smart et al., 2022). The study determined that carers needed financial support to cover the cost of caring. Also important were training, positive relationships with supportive caseworkers, access to respite care, counselling and health services for children as well as informal supports such as family (Smart et al., 2022).

¹³ A trauma-informed and culturally safe assessment tool that can be used for prospective First Nations and non-First Nations carers.

The *Working Together to Care for Kids Survey* report,¹⁴ (AIFS, 2016) revealed that while 90% of carers in the sample had accessed at least one support service in the past to assist in the caring role, there were differences for foster carers and kinship carers with foster carers more likely to have higher engagement with carer support services and have higher engagement with a greater number of support services (Qu et al., 2018).

Data on 'unmet service needs'¹⁵ revealed that 64% of carers in the sample reported they had at least one unmet service need, the most frequently reported being 'carer support staff from government child protection department', 'child counselling/psychologist services', and 'carer support organisations and groups' (Qu et al., 2018, p 42).

While 54% of foster carers in the sample indicated that they had undertaken some form of training in the past 6 months, only 16% of kinship carers reported same, revealing notable differences in experiences between these types of carers (Qu et al., 2018, p 42)

4.3 Leaving care or youth justice supervision: transition support

Just over 4% of recommendations were focused on supporting young people in the transition from care or youth justice supervision. Recommendations noted the importance of access to:

- funding safe and stable housing
- education, employment and financial support to transition back to community
- health care
- cultural support for Aboriginal and Torres Strait Islander families.

Research on care leavers indicates that they experience poor outcomes in relation to health, housing, employment, financial stability and contact with the justice system (Muir et al., 2019; O'Donnell et al., 2020). *Protecting Children* identified increased supports for this group as a national priority to assist the transition to independent living and adulthood (COAG, 2009). At the time of writing, all states and territories now have a formal policy regarding care leavers' supports until at least the age of 21 years; however, only some are enshrined in legislation (Mendes, 2022).

Funding safe and stable housing

Some recommendations called for increased funding for public housing to accommodate the needs of young people transitioning from care and youth justice supervision, as well as culturally safe housing options for Aboriginal and Torres Strait Islander peoples. Furthermore, the availability of suitable housing was considered particularly important to ensuring that young people (and in the example of the *Hear her Voice* report in Queensland, girls in particular) were not held in custody for longer than necessary. For example, young people due to be released from custody should not be held in detention because of a lack of available housing (see [Appendix E](#) for a series of example recommendations related to safe and stable housing).

Education, employment and financial supports to transition back to community

Recommendations related to education, employment and financial supports to assist young people make a transition back into the community after time in OOHC and/or youth justice supervision drew attention to the particular needs of certain cohorts, including:

- girls in custody
- Aboriginal and Torres Strait Islander young people
- young people with disability.

For example, the *Hear her Voice* report also recommended that the Queensland government prioritise access to education for women and girls while in custody to assist with transitions to 'meaningful employment' post-release. There were also recent calls in Victoria for the Department of Education and Training to ensure that

¹⁴ The study involved telephone interviews with 2,203 foster/kinship carers in all states and territories except the Northern Territory.

¹⁵ '... defined as instances where carers reported that they currently needed a service but had not received it in the last 6 months or had never received the service' (Qu et al., 2018, p 42).

Aboriginal and Torres Strait Islander young people in custody were supported by a support officer to directly assist with the transition to school or further education and employment (see [Appendix E](#) for a series of example recommendations related to health care).

Health care

Some recommendations were also focused on access to appropriate and affordable health care for young people making a transition into the community, with some more recent reports requesting the continued availability of alcohol and other drugs supports and mental health care in the community (see [Appendix E](#) for a series of example recommendations related to education, employment and financial support).

Cultural support for Aboriginal and Torres Strait Islander families

Reflecting the large number of recommendations focused on supporting the needs of Aboriginal and Torres Strait Islander families (approximately 21% of all recommendations analysed), some recommendations centred on supporting Aboriginal and Torres Strait Islander young people to maintain a connection with family and culture after their period in OOHC or custody. For example, it was recommended in the 2021 Victorian *Keep Caring* report that the government work with ACCOs to develop culturally safe supports for care leavers. Similarly, in the 2021 Victorian *Our Youth, our way* it was recommended that access to 'culturally appropriate and reliable community-based support for as long as required' was essential for Aboriginal children and young people leaving custody, suggesting that such supports need to be flexible in nature (see [Appendix E](#) for a series of example recommendations related to cultural support).

5. Key themes: systems-level barriers to addressing problems in child protection and youth justice systems

This chapter provides an interpretation of how the key topics addressed in chapter 4 link together to form broader themes about addressing systems-level issues in child protection and youth justice. The themes discussed in this chapter are important because they represent complex, interconnected issues relevant to every stage of the child protection and youth justice system. The themes are not mutually exclusive, and as the discussion below highlights, overlap in many ways. Given the wide ranging and interconnected nature of these themes, counts or percentages have been noted where they add value by providing further context.

The 6 themes presented in this chapter are (listed in no particular order):

- inadequate cross-system information sharing, collaboration and coordination across child protection and youth justice systems
- limited First Nations partnership and self-determination across child protection and youth justice systems
- lack of mechanisms for oversight, monitoring and transparency across child protection and youth justice systems
- limited child protection and youth justice workforce capacity and support
- inadequate levels of investment across child protection and youth justice systems
- limited opportunities for child voice and participation within child protection and youth justice systems.

For an 'at a glance' outline and description of these key systems-level themes and their corresponding sub-themes, see [Appendix F](#).

5.1 Inadequate cross-system information sharing, collaboration and coordination across child protection and youth justice systems

Researchers have highlighted the challenges that organisational ‘siloing’ can have on the safety and wellbeing of children and young people in the primary prevention, secondary intervention and tertiary intervention phases (Herrenkohl et al., 2021). Echoing this research evidence, the recommendations in this theme fell into two sub-themes:

- cross-system information sharing
- system coordination, integration and collaboration.

‘Information sharing’ recommendations focused on communication between government departments relating to child protection and youth justice matters, while ‘coordination, integration and collaboration’ recommendations in the second sub-theme focused on the need for continuity and coordination between services provided to vulnerable children and families.

Cross-system information sharing

The need for cross-system information sharing was an important theme that was captured in a recommendation from a 2012 New South Wales report called *Responding to Child Sexual Assault in Aboriginal Communities*:

That the NSW Government actively pursues with the Federal Government and its state and territory counterparts, the need for legislative and related policy change that address the current weaknesses in the regime for cross-border exchange of child protection-related information. (Report 13, NSW, 2012)

The continued significance of this issue was further illustrated in a similar recommendation 5 years later in the same jurisdiction:

That the NSW Government review the provisions of Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*, to improve information sharing across jurisdictions for child protection matters. (Report 16, NSW, 2017)

However, requests for greater information sharing across systems and services were not unique to child protection, with a series of similar examples related to information exchange across departments in youth justice:

That the Department of Child Safety, Youth and Women¹⁶ in conjunction with other key agencies examine ways to maximise sharing information about children in the youth justice system to facilitate decision-making and positive outcomes for children. (Report 24, Qld, 2018)

There was also a focus on information sharing to ‘manage’ responses to children and young people in OOHC and youth detention settings; for example, children who go missing from residential care facilities:

That the department ensure that consistent, concise and current information is collected about individual children and young people at risk of going absent or missing from residential care. The collection systems should ensure that key information about the child or young person:

- ... can be shared swiftly with other agencies, such as Victoria Police, when required. (Report 51, Vic, 2021)

The need for improved information sharing was also highlighted in some recommendations related to prevention and early support efforts, for example, in the context of schooling:

When a child is unenrolled from school, and the school has had significant concerns about the particular child, the Education Directorate should advise [Child and Youth Protection Services] CYPS. Subsequently the Education Directorate should confirm the move with the family and confirm enrolment in the new jurisdiction. CYPS should inform their counterparts in the new jurisdictions that a family of concern has moved to their state or territory. (Report 7, ACT, 2016)

¹⁶ Now known as the Department of Child Safety, Seniors and Disability Services.

System coordination, integration and collaboration

A number of recommendations pointed to the need for increased system coordination and integration across all stages of contact with the child protection and youth justice systems.

For example, there were numerous calls for a coordinated early intervention approach for victim-survivors of DFV and abuse, as well as First Nations children and families, providing a 'one stop shop' of holistic supports:

That the Victorian Government resource the establishment of a culturally based, multi-service, accessible youth hub in each region to coordinate and provide holistic supports for Aboriginal children and young people. (Report 50, Vic, 2021)

The coordination of case-management efforts was a recurring theme across the sample of recommendations for certain cohorts of children and young people; for example, 'crossover' or 'dual involved' children. Specifically, recommendations suggested that there is a need to coordinate legal and therapeutic services that meet the complex and multiple needs of this group.

Territory Families ... develop flexible, dynamic services specific to the needs of crossover youth including: - targeted services of high intensity, designed specifically for children in the crossover group - therapeutic models that focus on meeting the needs and changing the behaviour of the child while simultaneously addressing social and environmental risk factors, and - a mentoring and/or visitor program, to provide the prospect of additional adult connections for children in the crossover group. (Report 3, Commonwealth, 2017)

The transition period back into the community and/or transitioning from care was seen as a potentially disruptive phase for 'crossover' or 'dual involved' children that requires sufficient coordination by services to ensure that these clients do not 'fall through the cracks':

That [Department for Child Protection SA] DCP collaborate more effectively with DHS and other relevant agencies to plan for transitions by -

- a. Developing timely plans for transitioning back into the community and/or transitioning from care, in consultation with dual involved children and young people;
- b. Recognising the potentially disruptive effects of transitioning out of detention into community living or 'ageing out' of care;
- c. Retaining placements that are valued by detained children and young people (to maintain accommodation stability and minimise disruptive moves); and
- d. Co-ordinating interventions and services that provide dual involved children and young people with care, rehabilitation, support and development opportunities. (Report 30, SA, 2022)

The coordination and integration of case management in relation to Aboriginal and Torres Strait Islander children was also a focus, highlighting the need for holistic approaches to support and case management:

Develop and deliver training for youth workers in the statutory and non-statutory youth justice and community sectors to provide more integrated and holistic support for Aboriginal and Torres Strait Islander families. (Report 9, ACT, 2019)

These needs were given emphasis in a recent recommendation from the Inquiry into the Over-Representation of Aboriginal Children and Young People in the Victorian Youth Justice System:

That the Victorian Government resource the establishment of a culturally based, multi-service, accessible youth hub in each region to coordinate and provide holistic supports for Aboriginal children and young people. Youth hubs should be designed and developed in partnership with, and managed by, Aboriginal communities and organisations. (Report 50, Vic, 2021)

However, this example also illustrates the focus on partnership with Aboriginal and Torres Strait Islander communities to develop services and supports more generally.

5.2 Limited First Nations partnership and self-determination across child protection and youth justice systems

Going beyond calls for 'collaboration', approximately 10% of recommendations of the 3,005 analysed concerned First Nations partnership and self-determination. Some of the key aspects of supporting First Nations self-determination across child protection and youth justice systems were:

- compliance with the ACPP framework
- building capacity and meaningful partnerships with ACCOs
- ensuring agency in decision making for First Nations children and families.

The recent *Family Matters* report highlighted that there is still much to be done to achieve self-determination through First Nations autonomy and decision-making on matters that affect First Nations families and children (Liddle et al., 2023). At the same time the report pointed to the importance of capacity building of ACCOs in enabling them to exercise decision-making powers in child protection matters, while highlighting the current limitations that ACCOs must operate within. For example, limitations in funding or scope of decision-making powers.

Compliance with the ACPP framework

There are still notable inconsistencies in the implementation of the ACPP across jurisdictions (DSS, 2021), a finding that was reflected across the sample of recommendations, including in Commonwealth recommendations that called for states and territories to address these inconsistencies:

Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:

- a. fully implement the Aboriginal and Torres Strait Islander Child Placement Principle
- b. improve community and child protection sector understanding of the intent and scope of the principle
- c. develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families
- d. invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children. (Report 2, Commonwealth, 2017)

Figures from 2019 suggest that 63% of Aboriginal and Torres Strait Islander children in OOHC were placed with Aboriginal and Torres Strait Islander or non-Indigenous relatives or extended family members (kin) in line with the first level of the placement hierarchy (AIHW, 2020, p 6).

However, the Connection element of the ACPP is partly measured by determining 'the proportion of Aboriginal and Torres Strait Islander children [who] are cared for by Aboriginal and Torres Strait Islander caregivers' (AIHW, 2020, p 8). These data indicate that 43% of Aboriginal and Torres Strait Islander children in OOHC were living with Aboriginal and Torres Strait Islander carers at 30 June 2019. This figure was higher in 2017, at 48% (AIHW, 2021, p 8).

A key aspect of the implementation of the ACPP was ensuring that the workforce and key stakeholders understood the Principle and how it should be applied in their practice, providing support and guidelines in partnership with ACCOs. For example, a 2019 recommendation requested:

The Department of Communities and Justice should develop guidance for caseworkers on the purpose of the Aboriginal Child Placement Principle (ACPP), the elements of the ACPP, and how to apply these elements during casework. This guide should be developed in partnership with Aboriginal community organisations and after consideration of the existing resources on the ACPP, such as those already developed by the Secretariat of National Aboriginal and Islander Child Care, which the Review regards as best practice. (Report 18, NSW, 2019)

Building capacity and meaningful partnerships with ACCOs

The meaning of 'capacity building' and meaningful partnerships in relation to work with ACCOs varied across the recommendations, capturing activities including state and territory government departments:

- funding ACCOs to provide culturally appropriate and safe services to Aboriginal and Torres Strait Islander children and families at all stages of the child protection and youth justice systems
- developing and providing training to ACCO staff.

In general, these recommendations were underpinned by the recognition that ACCOs were best placed to support vulnerable Aboriginal and Torres Strait Islander children and families, as illustrated by the following example from the *Protecting Victoria's Vulnerable Children Inquiry* in 2012:

The Department of Human Services¹⁷ should develop a comprehensive 10 year plan to delegate the care and control of Aboriginal children removed from their families to Aboriginal communities. This would include ...

- Targeting Aboriginal community controlled organisations capacity building to these activities, that is, guardianship, cultural connection and provision of out-of-home care services; and
- Providing increased training opportunities for Aboriginal community controlled organisations staff to improve skills in child and family welfare. The proposed Aboriginal Commissioner or Deputy Commissioner for children and young people should report on performance against this plan. (Report 39, Vic, 2012)

Echoing calls for greater capacity building for ACCOs in Victoria 4 years later, in 2016, the next example recommended that the same department (Department of Health and Human Services – DHHS, now known as the Department of Families, Fairness and Housing):

... support ACCOs to provide culturally appropriate and timely counselling and wraparound services for the growing number of children, their families and carers who have been victims of family violence and sexual abuse. (Report 43, Vic, 2016)

The importance of capacity building for ACCOs was repeated once again in Victoria in 2019:

That the Victorian Government develop, resource and implement an integrated, whole-of-system investment model and strategy for the child and family system ... Strategies to improve outcomes for children and young people in out-of-home care should include ... funding for ACCOs to provide case management as part of the transition process to Aboriginal Children in Aboriginal Care. (Report 48, Vic, 2019)

Ensuring agency in decision making for First Nations children and families

A focus on self-determination was also notable across the recommendations analysed. This was captured in a series of examples referencing the right of Aboriginal and Torres Strait Islander communities to make decisions about practices and policies that affect them and their children:

That the NSW Government commit to working across NSW with Aboriginal communities, as well as Aboriginal organisations such as Grandmothers Against Removals, to provide a far greater degree of Aboriginal self-determination in decisions on supporting families, child protection and child removals. (Report 16, NSW, 2017)

The importance of self-determination was further highlighted in a series of recommendations related to youth justice, including the following request:

That the Aboriginal Youth Justice Strategy prioritise early intervention and prevention strategies and justice reinvestment programs led by the Aboriginal community 2021–22. (Report 50, Vic, 2021)

¹⁷ In 2020, the department was split into the Department of Health (DoH) and the Department of Families, Fairness and Housing (DFFH).

5.3 Lack of mechanisms for oversight, monitoring and transparency across child protection and youth justice systems

Approximately one-quarter of all recommendations dealt with the subject of monitoring and transparency across child protection and youth justice systems. Many recommendations concerned a lack of adequate monitoring of standards, practice and conditions for vulnerable children in contact with government systems. Specifically, these included:

- independent monitoring and oversight
- internal monitoring and oversight – KPIs
- monitoring the implementation of recommendations
- evaluation and reporting of data
- transparency and communication with families.

Independent monitoring and oversight

The need for independence in oversight and monitoring of service quality, needs and outcomes of vulnerable children and families was highlighted across the recommendations. Audits and independent system reviews were commonly suggested to monitor performance across the child protection and youth justice systems, as this example for child protection illustrates:

The Department of Human Services should adopt a risk-based approach to monitoring and reviewing community service organisation performance, involving greater use of unannounced inspections and reviewing the performance of higher risk agencies more frequently than lower risk agencies. (Report 39, Vic, 2012)

Two Commonwealth reports, one by the Senate Standing Committees on Community Affairs in 2015 and the other resulting from the Royal Commission into Institutional Responses to Child Sexual Abuse in 2017, illustrated a focus on nationally consistent approaches to monitoring and oversight through the establishment of independent bodies. The role of such bodies would be ‘managing complaints from families and investigating individual cases (Senate Standing Committees on Community Affairs, Parliament of Australia, *Out of Home Care*, Commonwealth, 2015), as well as ‘monitoring [and enforcing] compliance with Child Safe Standards’ across child protection, youth justice and other institutions (*Royal Commission into Institutional Responses to Child Sexual Abuse*, Commonwealth, 2017).

Some more recent recommendations demonstrated a focus on culturally safe and child-focused practice, including children’s participation in complaint processes across child protection and youth justice systems as detailed in the following recommendation from New South Wales in 2019:

The Department of Communities and Justice should conduct an independent review of its internal complaints handling system, with a view to developing a complaints system that is:

- a. transparent and accessible;
 - b. child friendly;
 - c. empowered to resolve complaints adequately;
 - d. developed in consultation with Aboriginal communities;
 - e. supported by a Charter of Rights and Responsibilities for Aboriginal Families.
- This system should also employ Aboriginal staff in key roles. (Report 18, NSW, 2019)

The operation of independent visitor schemes in relation to child-centred practice and independent oversight was highlighted. Also noted were the role of children’s commissioners to advocate for vulnerable children in both child protection and youth justice and to monitor service provision. There were persistent concerns around the independent monitoring of conditions in OOHC in Tasmania with two separate reports, one in 2010 (*Inquiry into the Circumstances of a 12 year old Child Under Guardianship of the Secretary*, Tas, 2010) and another in 2019 recommending a visitor program (*The Tasmanian Out of Home Care System and ‘Being Healthy’*, Tas, 2019).

The substance of these recommendations overlapped considerably with recommendations calling for greater child voice and participation at all stages of their involvement in child protection and youth justice systems – a finding that will be elaborated on in turn.

Internal monitoring and oversight – KPIs

Recommendations related to internal monitoring and oversight came from concerns around staff compliance with policy. Multiple inquiries called for internal key performance indicators (KPIs), as illustrated by the following example from New South Wales:

The Department of Communities and Justice should conduct an internal review examining caseworkers' non-compliance with existing restoration policy and guidance and use the findings of this Review to improve restoration casework practice and policy in the department. (Report 18, NSW, 2019)

Two different recommendations from Victoria also saw KPIs as a tool for monitoring staff decision making and the quality of cultural support, as recommended in 2017¹⁸ and another in 2021.¹⁹

That the Victorian Government implement systems to ensure that there is appropriate monitoring of the quality and implementation of cultural support plans, and the involvement of the young person and their family in the development of plans. (Report 50, Vic, 2021)

Combinations of internal and independent monitoring to ensure broader community confidence was also recommended. The former Department of Health and Human Services (Victoria) recommended internal oversight processes in the form of KPIs with independent oversight by the Commission for Children and Young People:

DHHS to develop strategies and oversight mechanisms to ensure that high-quality cultural support plans are developed, implemented, monitored, reviewed and updated in a timely manner. DHHS must establish internal KPIs for compliance with these requirements and provide quarterly progress reports to the ACF [Aboriginal Children's Forum] and the Commission. The ACF will provide oversight and evaluation of the integrity and standards of the cultural planning processes as an ongoing responsibility. (Report 43, Vic, 2016)

Further demonstrating this approach is an example from Australian Capital Territory which called for the use of KPIs to monitor prevention and early intervention as well as service provision within the child protection system:

The Steering Committee recommends that the Directorate establish formal key performance indicators in collaboration with the Implementation Oversight Committee and the Aboriginal and Torres Strait Islander community for measuring the reduction of children entering the system, improvements in their experience in the system and the provision of pathways to restoration and exiting care. These key performance indicators can then be formally and independently evaluated from this baseline in five years. (Report 10, ACT, 2019)

Monitoring the implementation of recommendations

Just over 2% of the 3,005 recommendations pointed to the need to monitor, consider and/or address the recommendations arising from previous inquiries or reports.

Recommendations suggested establishment of an independent body to perform this function, as illustrated in the following example:

Establish an across-government steering committee to monitor and oversee the implementation of recommendations ... (Report 29, SA, 2016)

Others requested that state and territory governments monitor implementation themselves, and to publicly report on outcomes:

The Department of Communities and Justice should track, monitor and publicly report on the implementation of the recommendations of both the Family is Culture case file review process, and the Family is Culture report, within 12 months of the final report being delivered, with a view to further public reporting on implementation if necessary. (Report 18, NSW, 2019)

Approximately 22% of these recommendations around implementation monitoring called for previous royal commission recommendations (Commonwealth and state and territory) to be implemented. Two of these – one from 2019 and the other from 2022 – referenced the Commonwealth *Royal Commission into Aboriginal Deaths*

¹⁸ *Safe and Wanted: An Inquiry into the Implementation Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*, Vic, 2017.

¹⁹ *Our Youth, our Way: Inquiry into the Over-Representation of Aboriginal Children and Young People in the Victorian Youth Justice System*, Vic, 2021.

in Custody, which was completed in 1991, highlighting the continued over-representation of Aboriginal and Torres Strait Islander children and young people in OOHC and youth justice supervision. The following example emphasised the need to monitor implementation:

That the Victorian Government appoint an Aboriginal Social Justice Commissioner – or other oversight mechanism – to monitor the implementation of recommendations made by the Royal Commission into Aboriginal Deaths in Custody and to ensure the criminal justice system responds appropriately to Aboriginal Victorian. (Report 53, Vic, 2022)

Key recommendations from the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse were also endorsed in a series of state and territory reports following 2017, when the Royal Commission concluded:

That the Tasmanian Government encourages and empowers children and young people in out-of-home care to express their views and participate in decisions affecting them, by:

- Ensuring all out-of-home care providers have mechanisms in place for children and young people in out-of-home care to communicate their views about their care, as well as concerns and complaints, consistent with Recommendation 12.10 of the Royal Commission into Institutional Responses to Child Sexual Abuse. (Report 38, Tas, 2019)

Continue to respond to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. (Report 9, ACT, 2019)

It is notable that government responses to this Royal Commission included a system of tracking the implementation of recommendations, in keeping with the Royal Commission's own recommendations²⁰ (see the progress reports on implementation of recommendations from the *Royal Commission into Institutional Responses to Child Sexual Abuse*).

This study suggests there is limited publicly available monitoring and tracking of government implementation of recommendations. As previously noted in section 3.2, 51% of recommendations in this study had been responded to in some way.

Evaluation and reporting of data

There were multiple recommendations for improved evaluation and reporting of data to monitor the outcomes of services to inform future reform and funding decisions. This included 'client data' from services, to determine the outcomes for families. For example, a recommendation from *Protecting Victoria's Vulnerable Children Inquiry* advised:

The Department of Education and Early Childhood Development²¹ should improve its capacity to respond to the needs of vulnerable children and young people by:

- Undertaking a comprehensive evaluation of whether existing school-based programs are meeting the needs of vulnerable children and young people; and
- Introducing a population health and wellbeing questionnaire of students as they make the transition from childhood adolescence, and publishing the outcomes in The state of Victoria's children report. (Report 39, Vic, 2012)

The Productivity Commission report on 'expenditure on Children in the Northern Territory' made a similar recommendation, emphasising the need for the Commonwealth and Northern Territory Governments to:

... support the use of an evaluative approach ... this should include funding to run periodic surveys that seek to understand user experience and community views on the functioning of the service and how it could be improved. (Report 5, Commonwealth, 2020)

There was a noticeable focus in recommendations on evaluating and monitoring the outcomes for 'at risk' groups in the past decade – especially for Aboriginal and Torres Strait Islander children and young people, as well as 'crossover' or 'dual client' children, such as this recommendation that the Department of Communities and Justice (NSW) should ensure there is:

²⁰ See the progress reports on implementation of recommendations from the *Royal Commission into Institutional Responses to Child Sexual Abuse: Annual progress reports* | National Office for Child Safety.

²¹ Now known as the Department of Education (Victoria).

... a system for the collection, analysis and reporting of data to ensure that information about children in OOHC who are also in contact with the criminal justice system is recorded and is readily available to inform strategic planning and monitor outcomes for this group of children. This system should identify which children are Aboriginal and which are non-Aboriginal. (Report 18, NSW, 2019)

A 2022 South Australian report emphasised the overuse of police call outs in residential care facilities, which persistently criminalised this group of children and young people. The report recommended data collection practices be improved, particularly 'in relation to critical incidents in residential care' as a way to 'promote good preventative practice' and to 'track and analyse the prevalence, severity and management of incidents across individual residential care facilities' (Guardian for Children and Young People, Final Report of the South Australian Dual Involved Project: Children and Young People in South Australia's Child Protection and Youth Justice Systems, SA, 2022).

Transparency and communication with families

The notion of (and need for) transparency was found to be a consistent theme across recommendations. 'Transparency' in this context referred to open communication between the 'system' and the families within it. This example is from 2010:

...if it is clear that reunification is going to be the goal, this should be written into the case plans from the start to help determine the nature of the support services needed by the parent/s and to provide clarity and focus for the foster carers. (Report 21, NT, 2010)

Similarly, a recent review of foster and kinship care in South Australia recommended that the obligations of carers be made clear in service agreements to support the success of placements:

That there is a review of the contractual arrangements and agreements between the Department, support agencies and carers to ensure that services agreements and carer agreements are transparent in the obligations of all parties, including joint responsibilities for children and young people in care. (Report 32, SA, 2022)

5.4 Limited workforce capacity and support

Approximately 27% of the recommendations analysed related to workforce capacity, including staff recruitment, training and qualifications of staff in child protection, youth justice, mental health, and other key therapeutic and wraparound services for children and young people. These recommendations highlighted the challenge of sustaining a skilled workforce to support vulnerable children and families.

Recommendations analysed focused on the following:

- supporting a workforce under strain
- upskilling and professional development of the universal and specialist child protection and youth justice workforce
- supporting the development of a trauma-informed workforce
- supporting the development in a culturally competent workforce.

These recommendations are supported by an evidence base which has identified that child protection and youth justice work is challenging and intensive and can impact on the safety and wellbeing of the workforce through consistent exposure to stress and trauma. These experiences can lead to high turnover and large and unmanageable caseloads putting vulnerable children and families at greater risk (Gooch & McNamara, 2016; Russ et al., 2020).

Supporting a workforce under strain

Multiple recommendations called for greater social and therapeutic supports for staff. Two examples from Tasmania, the first in 2011 and the second 5 years later in 2016, recommended:

... that: Support structures be implemented to provide support for Child Protection workers. (Report 36, Tas, 2011)

And:

That the Child Protection workforce be supported through increased professional mentoring, support and development and access to personal, professional counselling and support services. (Report 37, Tas, 2016)

Recommendations to adequately resource teams to support them to efficiently and effectively continue their work were also common. For example, a recent recommendation in South Australia called for the funding and resourcing of child protection staff to be commensurate with demand:

A review be undertaken of the efficiency and effectiveness of work practices, staffing levels and related resources in the Child Protection offices and funding be provided to enable a reasonable match with the demand for Child Protection Services. (Report 33, SA, 2022)

‘Upskilling’ and professional development

Multiple recommendations on workforce capacity and support related to the upskilling of both the universal and specialist workforce. The universal workforce was professionals including, but not limited to, teachers, nurses and general practitioners. For example, in 2010, the Inquiry into the *Mental Health and Wellbeing of Children and Young People in Western Australia* recommended that:

Training be provided at university and TAFE as a part of relevant undergraduate and certificate courses (for example: general practitioners, teachers, allied health professionals, youth workers and child care workers) to improve the understanding of the mental health needs of children and young people. (Report 54, WA, 2011)

Some recommendations emphasised the need for regular and ongoing professional development for the universal workforce, with an example from the *Royal Commission into Institutional Responses to Child Sexual Abuse* recommending that:

Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

- a. Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b. Staff and volunteers receive training on the institution’s child safe practices and child protection.
- c. Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures. (Report 2, Commonwealth, 2017)

Some recommendations focused on training for police to improve their skills and knowledge in relation to distinguishing between criminal behaviour and other underlying factors that may be contributing to certain behaviours (e.g. those relating to disability):

That Victoria Police review its disability policies, training programs and specialist roles to ensure they:

- equip police officers with the knowledge, skills and support they need to distinguish between criminal and disability behaviours
- identify where an alleged offender, victim or witness would benefit from the provision of reasonable adjustments and/or access to specialist advice or support. (Report 53, Vic, 2022)

Reflecting the over-representation of children in OOHC in the youth justice system (Baidawi & Ball, 2023a, 2023b; Baidawi & Sheehan, 2019) some recent recommendations emphasised the need to equip staff with the knowledge to reduce criminalisation of children in OOHC, including First Nations children:

The Department of Communities and Justice and the NSW Police Force should establish and fund an ongoing program of training to ensure that all residential out-of-home care staff, and all NSW police officers, receive training on the Joint Protocol to Reduce the Contact of Young People in Residential Out-of-Home Care with the Criminal Justice System, in order to reduce the contact of young Aboriginal people in out-of-home care with the criminal justice system. (Report 18, NSW, 2019)

A key aspect of this training also concerned the use of therapeutic responses for children and young people at risk of entering the youth justice system.

Access to regular and ongoing professional development was also highlighted as crucial for specialist child protection and youth justice workers, with ‘mentoring’ approaches being emphasised as a key mechanism to achieve this (as well as an additional opportunity to monitor performance). For example:

Ensure that all youth workers in residential care have regular supervision as a means to promote their professional development and, where necessary, manage deficits in their performance.
(Report 29, SA, 2016)

Supporting the development of a trauma-informed workforce

In more recent recommendations there has been a shift towards developing a trauma-informed workforce, reflecting the multiple and complex needs of vulnerable children and young people who come into contact with child protection and youth justice:

State and territory governments should ensure that all staff in youth detention are provided with training and ongoing professional development in trauma-informed care to assist them to meet the needs of children in youth detention, including children at risk of sexual abuse and children with harmful sexual behaviours. (Report 2, Commonwealth, 2017)

Echoing this earlier example is a recommendation from Victoria, in 2019, affirming the importance of trauma-informed approaches to care and youth justice, with ongoing training recommended for youth justice staff, carers and child protection staff:

Ensure that principles and practices of trauma-informed behavioural management, including the impact on mental health, harmful effects of separation and isolation, and cultural awareness, are core elements in staff training across Corrections Victoria and Youth Justice, both to new staff and on an ongoing basis. (Report 46, Vic, 2019)

Supporting the development of a culturally competent workforce

Approximately 11% of recommendations related to limited workforce capacity were specifically focused on the need for the workforce to be culturally competent, indicating persistent challenges associated with achieving this goal over the past decade. In the following example from Tasmania, in 2010, joint cultural competency training for both child protection and youth justice professionals is suggested:

That DCYFS²² [Disability, Child, Youth and Family Services] conduct joint training of CPWs [Child Protection Workers] with Youth Justice Workers to understand cultural perspectives of children and young people. (Report 34, Tas, 2010)

Some more recent reports on the cultural competency of child protection workers recommended that staff who worked with First Nations children and families be trained on the application of the ACPP:

The Department of Communities and Justice should implement an ongoing program of training to test and enhance staff knowledge of the Aboriginal Child Placement Principle. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec). (Report 18, NSW, 2019)

The importance of cultural competency was also seen as critical for the youth justice workforce as illustrated by 2 examples from South Australia and Victoria, respectively:

Identify key performance indicators on the cultural competency of the Agency's workforce, and regularly review the effect of these recommendations on that competency. (Report 29, SA, 2016)

That youth justice staff receive regular training in cultural competence topics, tailored wherever possible to meet the needs of young people in their care. (Report 45, Vic, 2018)

The recommendations above did not necessarily define what the key performance indicators and 'training in cultural competence topics' might include. However, some other recent examples from Victoria and New South Wales highlighted the importance of the provision of culturally appropriate therapeutic responses,²³ and supporting the workforce to avoid 'cognitive bias'.²⁴

Recommendations also called for state and territory departments to increase the recruitment and retention of First Nations staff to support connection to culture and self-determination for Aboriginal and Torres

²² Now known as Department for Education, Children and Young People.

²³ Commission for Children and Young People, *Always was, Always will be Koori Children: Systemic Inquiry into Services Provided to Aboriginal Children and Young People in Out-of-Home Care in Victoria*, Vic, 2016.

²⁴ Davis, *Family is Culture: Independent Review into Aboriginal Out-of-Home Care in NSW*, NSW, 2019.

Strait Islander children and families. For example, a recommendation arising from the *Royal Commission into Institutional Responses to Child Sexual Abuse* encouraged state and territory governments to ensure that:

... staff involved in managing [youth justice] complaints both internally and externally include Aboriginal and Torres Strait Islander peoples and professionals qualified to provide trauma-informed care. (Report 2, Commonwealth, 2017)

Additionally, the Child Protection System Royal Commission in South Australia resulted in the following recommendation, which focused implementing on a 'broader workforce strategy' in relation to First Nations recruitment in child protection in 2016:

Develop an Aboriginal recruitment and retention strategy in the Agency as part of a broader workforce strategy. (Report 29, SA, 2016)

5.5 Inadequate levels of investment across child protection and youth justice systems

Approximately 17% of recommendations overtly pointed to the requirement for investment, funding or resourcing across child protection and youth justice. About 30% of these recommendations concerning funding and expenditure called for government funding and investment in supporting First Nations children and families at all stages of their contact with child protection and youth justice systems.

Many of these recommendations related to the provision of 'needs-based' funding for priority areas and cohorts. Research has shown that a dependence on targeted needs-based funding for the most vulnerable cohorts 'has not reduced the prevalence of poor outcomes for children living in the most disadvantaged circumstances' (Daro & Karter, 2019, p 114), and that a more effective approach to protecting vulnerable children is the establishment of a universal support system that focuses on prevention (Daro & Karter, 2019).

Meeting demand through needs-based resourcing was a common theme in recommendations related to the over-representation of Aboriginal and Torres Strait Islander children in child protection and youth justice systems. For example, in 2019, the *Family is Culture* review in New South Wales emphasised the need to fund early intervention mechanisms for Aboriginal children and young people that was:

... commensurate with the proportion of Aboriginal children in out-of-home care with a preference for delivery of early intervention and prevention services by Aboriginal Community Controlled Organisations. (Report 18, NSW, 2019)

An example from 7 years earlier in Victoria echoed this recommendation:

The Department of Human Services should develop this [funding] methodology so that funding is distributed on an equitable basis to the areas that need it most. The methodology should take into account:

The population of children in a region;

The level of vulnerability of these children, including the Aboriginal population. (Report 39, Vic, 2012)

In Victoria, in 2016,²⁵ 2019²⁶ and 2022, similar calls were made to ensure that funding for Aboriginal and Torres Strait Islander children in child protection and youth justice was prioritised. This call for funding was because of First Nations over-representation in these systems, with more recent inquiries recommending a focus on early intervention strategies:

That the Victorian Government invest in community-based social, health, legal and forensic services which address the factors underpinning the criminal behaviours of children and young people. This investment must include greater resourcing of services which are culturally specific to Aboriginal children. (Report 53, Vic, 2022)

In recent years there has been a focused call for more needs-based funding for children and young people with disability:

²⁵ Commission for Children and Young People, *Always was, Always will be Koori Children: Systemic Inquiry into Services Provided to Aboriginal Children and Young People in Out-of-Home Care in Victoria*

²⁶ *In our own Words: Systemic Inquiry into the Lived Experience of Children and Young People in the Victorian Out-of-Home Care System*

Determine and fund demand for specialist disability foster care placements in accordance with the available data about children in care who are eligible for NDIS. (Report 29, SA, 2016)

The Youth Justice Court be resourced to install hearing loops to help young hearing-impaired accused participate appropriately in the proceedings. (Report 3, Commonwealth, 2017)

Build capacity and resources to better meet the needs of care leavers with a disability...That the Victorian Government resource additional advisers with disability and NDIS subject matter expertise within local Child Protection offices to train, assist and mentor case managers in supporting young people with a disability transitioning from care and navigating the disability service system and NDIS. (Report 49, Vic, 2020)

5.6 Limited opportunities for child voice and participation across child protection and youth justice systems

Just over 5% of all recommendations related to the need for greater child voice and participation across the child protection and youth justice systems. While 5% is a relatively small number, the data show that recommendations related to child voice and participation have *consistently* appeared across the years of 2010–22, with this issue being raised in 41 of the 61 reports analysed. This finding illustrates the endurance of this issue for successive state, territory and Commonwealth governments.

Article 12 of the UN Convention of the Rights of the Child states that children have the right to express their views on matters impacting them and that these views should be ‘given due weight’, yet research indicates that children’s voices are not always incorporated, including in the delivery of family support services in Australia and internationally (Stafford et al., 2022).

Australian and international research has documented the importance and effectiveness of prioritising the child’s voice through children’s participation in family meetings/conferences or through the engagement of child advocates, for example (Kennan et al., 2018; Stafford et al., 2022). Child voice and participation also extends to the right children and young people had to be given access to information that they need to actively participate and be heard on matters affecting them (Stafford et al., 2022).

One of the most common themes identified in relation to child voice and participation was the need for focused consultation and the involvement of children and young people in decisions that affect them: from early intervention strategies to placement decisions and participation in policy making. The following example focused on children’s participation in prevention and early intervention strategies in the education system of Tasmania:

That in designing any statewide alternative education models under the Children and Youth Strategy and the Youth at Risk Strategy, the [Tasmanian] Government consult closely with children and youths identified as chronic non-attenders, rather than create a model solely based on academic study and models external to Tasmania. (Report 34, Tas, 2010)

The importance of involving children in prevention and early intervention efforts through schooling persisted through the years as a theme. In 2017 the Commonwealth *Royal Commission into Institutional Responses to Child Sexual Abuse* called for nationally consistent approaches to online safety education, and a curriculum that should:

...involve children and young people in the design, delivery and piloting of new online safety education, and update content annually to reflect evolving technologies, online behaviours and evidence of international best practice approaches
c. be tailored and delivered in ways that allow all Australian children and young people to reach, access and engage with online safety education, including vulnerable groups that may not access or engage with the school system. (Report 2, Commonwealth, 2017)

This recommendation recognised the complex and shifting nature of safety in the context of the internet, by highlighting the importance of involving children in the development of online safety education and ensuring its access to diverse groups of children and young people. Another key aspect of child voice involved providing children and young people at risk of entering, or in contact with, child protection and youth justice with accessible and transparent information about their cases. The provision of age-appropriate information supports children and young people to make fully informed decisions on aspects of their care and supervision.

This is demonstrated in the following examples:

The Family and Child Council develop key resource material and information for children and families to better assist them in understanding their rights, how the child protection system works including court and tribunal processes and complaints and review options in response to child protection interventions. (Report 23, Qld, 2013)

That policy information or guidance impacting foster and kinship care should be publicly available, ensuring that all carers and children and young people in care can access the information that impacts them. (Report 32, SA, 2022)

The Northern Territory, Australian Capital Territory and Queensland, between 2017²⁷ and 2022²⁸ highlighted the need to prioritise provision of accessible information to children and young people about the services and supports available to them upon their transition from care or youth justice supervision.

A series of Victorian reports from 2019²⁹ and 2020³⁰ emphasised children's decision making in all aspects of their care including a report from inquiry into children who had contact with the child protection system and had died by suicide. This first report emphasised children's participation and involvement in the 'investigation, protective intervention and protection order' stage:

A second report focused on Victorian children's experiences in OOHC, and a third concentrated on the supports and services for children and young people transitioning from care. Children's participation in decision making was highlighted in each report:

That the [former Victorian] Department of Health and Human Services review and revise all foundational practice guidance, training and tools to embed children's participation in decision making during the investigation, protective intervention and protection order phases of Child Protection intervention. (Report 47, Vic, 2019)

The second inquiry pointed to the importance of staff training in child-inclusive practice, stating:

That the department review and revise all foundational guidance, training and tools to embed children's participation in decision making. This review should apply to existing guidance relating to all staff working with children and young people in care, including contracted agency staff. The development of tools should: include paper-based and digital resources that can be used by practitioners during home visits to promote the inclusion of children and young people's views in decision making. (Report 48, Vic, 2019)

The third report recommended that for children and young people to participate in decisions about transition from care, they must be supported in the same way during their time in care:

That the Victorian Government, in its implementation of the recommendations of the *In our own Words* inquiry, develop and resource a model of care that embeds a young person's life aspirations, talents and goals into everyday case management and their time in placement. This model ... should include a focus on supporting young people to:

- be active participants in future-focused planning and preparing for their own future, with the support of a key worker ...
- develop their independent living skills according to their developmental needs
- remain engaged or re-engage with education or vocational pathways
- build or heal positive connections with family and with the wider community
- develop enduring connections with the services they may need to address mental health, trauma or substance use. (Report 49, Vic, 2020)

The *Keep Caring* (2020) report noted that the 'new model of care' was dependent on the recommendations from the 2019 *In our own Words* report being accepted and implemented by the Victorian government. The recent reports echoed the recommendations of previous reports from Victoria³¹ with similar child-centred models of

27 For example, the *Royal Commission into Institutional Responses to Child Sexual Abuse*, Commonwealth, 2017.

28 For example, the *Report of the Independent Inquiry into Foster and Kinship Care*, SA, 2022.

29 *In our own Words: Systemic Inquiry into the Lived Experience of Children and Young People in the Victorian Out-of-Home Care System and Lost, not Forgotten: Inquiry into Children who Died by Suicide and were Known to Child Protection*.

30 *Keep Caring: Systemic Inquiry into Services for Young People Transitioning from Out-of-Home Care*.

31 E.g. Report 44, Vic, 2017.

care and case planning identified, emphasising the iterative nature of implementing policy change (Althaus et al., 2022), and the cascading effect of not implementing recommendations as they are made.

An overlapping aspect of empowering children and young people's voices is the call for them to have access to complaints mechanisms which was also a priority in a series of recommendations. The following example highlights the importance of this for children to be active participants:

State and territory governments, in collaboration with OOHC service providers and peak bodies, should develop resources to assist service providers to:

a. provide appropriate support and mechanisms for children in OOHC to communicate, either verbally or through behaviour, their views, concerns and complaints. (Report 2, Commonwealth, 2017)

A Victorian recommendation suggested that a complaints function should include an independent person or advocate for children and young people to speak to about any aspect of their care:

That the Victorian Government establish an independent, specialised child and young person-centred complaints function to receive complaints from children and young people in care, including concerns about their immediate safety or ongoing concerns about their wellbeing while in care. (Report 48, Vic, 2019)

That, when implementing the recommendation from *In our own Words* to establish a child and young person centred complaints function, the department require that children and young people are offered the opportunity to speak to an independent person either to conduct the return to care conversation or following the return to care conversation (within 48 hours). (Report 51, Vic, 2021)

An example from Western Australia repeated this call for an independent advocate:

That a robust, comprehensive system of oversight for all children and young people in the youth justice system be established. This should include:

- access to an independent advocate to support children and young people to raise concerns about their treatment and support. (Report 54, WA, 2011)

Independent advocacy for children and young people extended to legal advocacy and support:

The Minister for Communities, Child Safety and Disability Services propose amendments to the Child Protection Act 1999 to require the views of children and young people to be provided to the court either directly, that is personally (through an independent child advocate or direct representative) or through a separate legal representative where children and young people are of an age and are willing and able to express their views. (Report 23, Qld, 2013)

That the Children's Court use less formal language during trials to ensure that young people better understand the court process and the link between their sentence and their offence/s. (Report 45, Vic, 2018)

Finally, the importance of including children and young people in the 'development and implementation of laws' and the policy-making process was identified across the recommendations:

The Northern Territory Government provide legislation for a Representative Council of Children who are or have been in and out of home care and who have been in the youth justice system including in youth detention to express their views on the development and implementation of laws and policies which affect children and young people in those systems and that those views be given due weight. The Representative Council of Children should be located in and supported by the Children's Commissioner. (Report 3, Commonwealth, 2017)

The Mental Health Commission ensure that the views of children and young people are heard in the work of the Mental Health Advisory Council and in the development of mental health policy, program and service design. (Report 54, WA, 2011)

6. Discussion and conclusion

6.1 Discussion

This study aimed to provide a national perspective on the priorities for reforming the child protection and youth justice system by analysing the nature of the recommendations that been made in 61 reports over a 12-year period. It subsequently highlights the consistency of many of the themes for reform with a suggestion that there is a need to focus more assertively on implementation.

The content analysis within the study provides an overview of the key focus areas addressed by the recommendations, which fall into 3 broad categories:

- prevention and early intervention
- supporting the needs of children and young people in child protection and youth justice systems
- leaving care or youth justice supervision.

The recommendations on prevention and early intervention throughout this 12-year period suggest that the importance of 'upstream' support services for vulnerable children and families before crisis stage has been identified. However, just over half of the recommendations were focused on supporting the needs of children and young people who were already in OOHC or supervision. This finding suggests that the challenges driving the number of inquiries and reports over this timeframe are occurring at the system stage when children are already in contact with these systems. This study highlights the value in refocusing on prevention as an opportunity for reform of child protection and youth justice systems.

That these challenges are complex to deal with and stubbornly persistent is evidenced by the repetitive nature of the recommendations which highlighted 6 key areas needing urgent attention:

- inadequate cross-system information sharing, collaboration and coordination
- limited First Nations partnership and self-determination
- lack of mechanisms for oversight, monitoring and transparency
- limited child protection and youth justice workforce capacity and support
- inadequate levels of investment across child protection and youth justice systems
- limited opportunities for child voice and participation within child protection and youth justice.

Some of the key themes identified above are reflected in *Safe and Supported* (2021), and there is a need for careful monitoring by governments to ensure the Action Plans for this Framework are responsive to the recurring recommendations from the reports analysed in this study.³² Notably, *Safe and Supported* identified 'Aboriginal and Torres Strait Islander children and young people experiencing disadvantage or who are vulnerable' (p 7) as a priority group.³³ To support improved outcomes for priority groups, the Framework describes 4 core focus areas for action, which include: 'a national approach to early intervention and targeted support' for vulnerable children and families, 'addressing the over-representation of Aboriginal and Torres Strait Islander children in child protection systems', 'improving information sharing, data development and analysis', and 'strengthening the child and family sector and workforce capability' (p 7).

Additionally, the observation that these themes often overlapped, highlights the challenges faced by governments in addressing such complex problems – problems that cannot be addressed in isolation from one another. One key example of this overlap relates to the large number of recommendations concerning the needs of First Nations children and families.

These findings highlight the critical and immediate need to listen to and work with Aboriginal and Torres Strait Islander communities to reduce the over-representation of children in child protection and youth justice systems, to develop culturally appropriate and trauma-informed supports for vulnerable children and families, and for First Nations-led and holistic approaches to supporting vulnerable children and families (Duthie et al., 2019).

³² See Monitoring and reporting of *Safe and Supported*.

³³ Other priority groups included: 'children and families with multiple and complex needs', 'children and young people and/or parents/ carers with disability experiencing disadvantage or who are vulnerable', and 'children and young people who have experienced abuse and/or neglect, including children in out-of-home care and young people leaving out-of-home care and transitioning to adulthood' (*Safe and Supported*, p 7).

The allocation of responsibilities for child safety and wellbeing under the Australian Constitution and the limited opportunity for national policy coordination create substantial barriers to reform. This highlights the need for accountability and oversight mechanisms, which was a recurring issue across the reports analysed in this study. More broadly, it confirms the need for continued and evidence-based government action to address the needs of vulnerable children and their families, including a focus on monitoring the implementation of previous recommendations together with analysis of impediments to successful implementation.

6.2 Conclusion

Responsibility for child protection and youth justice lies mainly with individual state and territory governments but this report highlights themes that span jurisdictional boundaries. The findings provide a national picture of areas requiring immediate action to support vulnerable children and young people, based on more than 3,000 recommendations over 12 years of inquiries and reports. There is a need to drive concerted action on numerous areas for reform and improvement revealed in these reports to better fulfill Australia's obligations under the UN Convention on the Rights of the Child.

Future research examining the implementation of recommendations from reports and inquiries as well as recommendations from coronial inquiries across the same period (2010–22) would provide valuable insights on systems-level barriers to the reform of child protection and youth justice systems. Further research on the implementation of recommendations would also provide important insights.

Safe and Supported (2021) and the *National Agreement on Closing the Gap* (2020) are examples of current policy initiatives that resonate closely with our study's findings and are anchored in processes that facilitate national policy coordination. Current initiatives would benefit from research on the extent to which any previous related recommendations have been implemented by Commonwealth, state and territory governments and the impact of such changes and reforms. This could assist in prioritising which of the vast number of recommendations should be prioritised for action.

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Appendix A: List of reports and inquiries

Commonwealth of Australia

Report 1: Senate Community Affairs References Committee. (2015). *Out of home care*.

Report 2: Commonwealth of Australia. (2017). *Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report*.

Report 3: Commonwealth of Australia. (2017). *Royal Commission into the Protection and Detention of Children in the Northern Territory: Final Report*.

Report 4: Senate Committee on Social Policy and Legal Affairs, Parliament of Australia. (2018). *Breaking Barriers: A National Adoption Framework for Australian Children – Report 26*.

Report 5: Productivity Commission. (2020). *Expenditure on Children in the Northern Territory*.

Australian Capital Territory

Report 6: Phillips, A. (2012). *Who is looking out for the Territory's Children? Review of the Emergency Response Strategy for Children in Crisis in the ACT*.

Report 7: Glanfield, L. (2016). *Report of the Inquiry: Review into the System Level Responses to Family Violence in the ACT*.

Report 8: ACT Children & Young People Death Review Committee. (2018). *Changing the Narrative for Vulnerable Children: Strengthening ACT Systems*.

Report 9: ACT Government. (2019). *Blueprint for Youth Justice in the ACT 2012–2022: Improving outcomes for young people over the next 10 years*.

Report 10: Our Booris, Our Way Steering Committee. (2019). *Our Booris, Our Way: Final Report*.

Report 11: McArthur, M., Suomi, A., & Kendall, B. (2021). *Review of the Service System and Implementation Requirements for Raising the Minimum age of Criminal Responsibility in the Australian Capital Territory: Final Report*.

New South Wales

Report 12: NSW Ombudsman. (2011). *Keep Them Safe? A Special Report to Parliament under s31 of the Ombudsman Act 1974*.

Report 13: NSW Ombudsman. (2012). *Responding to Child Sexual Assault in Aboriginal Communities: A report under Part 6A of the Community Services (Complaints Reviews and Monitoring) Act 1993*.

Report 14: NSW Ombudsman. (2014). *Review of the NSW Child Protection System – are Things Improving? A Special Report to Parliament under s 31 of the Ombudsman Act 1974*.

Report 15: Tune, D. (2016). *Independent Review of Out of Home Care in New South Wales: Final Report*.

Report 16: New South Wales Parliament Legislative Council General Purpose Standing Committee No 2. (2017). *Report No 46, Child Protection*.

Report 17: Joint Committee on Children and Young People. (2018). *Prevention of Youth Suicide in New South Wales, Report 5/56*.

Report 18: Davis, M. (2019). *Family is Culture: Independent Review into Aboriginal Out-of-Home Care in NSW*.

Report 19: NSW Ombudsman. (2022). *Strip Searches in Youth Detention: A Follow-Up Report under Section 27 of the Ombudsman Act 1974*.

Northern Territory

Report 20: Office of the Children's Commissioner Northern Territory. (2010). *A Report Relating to a Child Protection Notification made to Northern Territory Families and Children in Respect of Baby BM*.

Report 21: Northern Territory Government. (2010). *Growing them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory's Children – Summary Report*.

Report 22: Office of The Children's Commissioner Northern Territory. (2010). *Report into Northern Territory Families and Children Intake and Response Processes*.

Queensland

Report 23: Queensland Child Protection Commission of Inquiry. (2013). *Taking Responsibility: A Roadmap for Queensland Child Protection*.

Report 24: Atkinson, B. (2018). *Report on Youth Justice*.

Report 25: Queensland Audit Office. (2020). *Family Support and Child Protection System: Report 1: 2020–21*.

Report 26: Queensland Family & Child Commission. (2021). *Change the Sentence: Overseeing Queensland's Youth Justice Reforms*.

Report 27: Atkinson, B. (2022). *Youth Justice Reforms Review: Final Report*.

Report 28: Women's Safety and Justice Taskforce. (2022). *Hear Her Voice: Report 2 Volume 1: Women and Girls' Experiences Across the Criminal Justice System*.

South Australia

Report 29: Government of South Australia. (2016). *The Life They Deserve: Child Protection Systems Royal Commission Report – Volume 1: Summary and Report*.

Report 30: Guardian for Children and Young People. (2022). *Final Report of the South Australian Dual Involved Project: Children and Young People in South Australia's Child Protection and Youth Justice Systems*.

Report 31: Alexander, K. (2022). *Trust in Culture: A Review of Child Protection in South Australia*.

Report 32: Government of South Australia. (2022). *Report of the Independent Inquiry into Foster and Kinship Care*.

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Appendix B: Data on young people and child protection and/or youth justice

Table 1: Age of young people in out-of-home care in 2021-22

Age group	%
<1	2.8
1-4	18.5
5-9	29.4
10-14	32.0
15-17	17.3

Source: AIHW, 2023a.

Table 2: Children in out-of-home care on 30 June 2021 and 2022 by state or territory

	Number of children (2021)	Number of children (2022)	Number per 1,000 (2021)	Number per 1,000 (2022)	Change*
Australia	46,212	45,393	8.1	8.0	Slight decrease
Northern Territory	970	868	15.7	14.0	Decreased
South Australia	4,366	4,417	11.8	11.8	Unchanged
Tasmania	1,077	1,028	9.6	8.9	Decreased
New South Wales	15,895	15,223	8.9	8.5	Decreased
Queensland	9,433	9,651	7.9	8.0	Unchanged
Western Australia	4,635	4,394	7.5	6.9**	Decreased
Australian Capital Territory	690	688	7.1	7.0**	Slight decrease
Victoria	9,146	9,124	6.4	6.4	Unchanged

Notes: *Change was based on the number per 1,000. Changes of 0.1 in the number per 1,000 counted as 'slight' decreases/increases. **Western Australia and the Northern Territory were the only jurisdictions that changed order from 2021 to 2022 in terms of the proportion of children in OOHC.

Source: AIHW, 2022a, 2023a.

Table 3: Rate of young people aged 10-17 under youth justice supervision on an average day 2021-22

	Number per 10,000
Australia	13.4
Northern Territory	46.2
Queensland	21.3
Western Australia	17.4
Tasmania	12.2
New South Wales	12.1
Australian Capital Territory	10.7
South Australia	10.5
Victoria	5.8

Source: AIHW, 2023d.

Table 4: Young people under youth justice supervision in 2020–21 who had an interaction with the child protection system in the prior 5 years

	Number per 10,000
Australia	53
Northern Territory	69
Australian Capital Territory	61
Queensland	58
Victoria	55
New South Wales	51
Western Australia	50
Tasmania	42
South Australia	38

Source: AIHW, 2022b

Appendix C: Example recommendations related to prevention and early intervention

Schooling and education as prevention settings

The Committee recommends that: There is a need for additional resourcing of school social workers and psychologists working in schools to identify, report, intervene and support children (*Select Committee on Child Protection: Final Report*, Tas, 2011).

That the Department of Human Services and the Department of Education and Early Childhood Development work together to improve consistency in behavioural supports for children with disability (Report 40, Vic, 2015).

That schools become focal points for early intervention for children in need of targeted support, with key agencies working collaboratively to proactively identify, access and work with families, communities and non-government organisations (Report 37, Tas, 2016).

The Northern Territory Government conduct a review into improving cooperation between Northern Territory government and non-government organisations in crossborder jurisdictions on child protection matters, and improving access to high quality education for children in remote communities, especially secondary students (Report 3, Commonwealth, 2017).

That targeted resourcing be provided for schools with a high occurrence of children with problem behaviours so that teachers can retain their focus on education while specialist behaviour management staff can focus on those aspects (Report 24, Qld, 2018).

Provide more support for children and young people whose parents are incarcerated, including through the education system (Report 9, ACT, 2019).

The Queensland Government develop and implement a strategy to increase the use of the Department of Education Respectful Relationships Education Program across all Queensland schools. This will include initiatives to ensure all children in Queensland access the same respectful relationships education content irrespective of where they go to school (Report 28, Qld, 2022).

That DET [Department of Education and Training, now known as Department of Education] review the supports provided to Aboriginal children and young people, including the Koorie Engagement Support Officer (KESO) role, with a view to increasing direct support for Aboriginal children and young people in schools, and prioritising access to educational support for Aboriginal children and young people in the youth justice system (Report 50, Vic, 2021).

That the Victorian Government fund the expansion of relevant programs and the provision of youth workers and youth mentors to young people in primary and secondary schools in disadvantaged communities across Victoria (Report 53, Vic, 2022).

Universal health, safety and wellbeing

The Committee recommends that: Community-based services and supports to children and families, including specialist support services and universal services, must be significantly increased (Report 36, Tas, 2011).

That the Tasmanian Government ensure that key community infrastructure, such as child and family centres and neighbourhood houses, are appropriately integrated within a broader system for promoting child safety and wellbeing (Report 37, Tas, 2016).

Building on its current work, the Office of the eSafety Commissioner should oversee the delivery of national online safety education aimed at parents and other community members to better support children's safety online (Report 2, Commonwealth, 2017).

The Committee recommends that the NSW Government consider providing funding to youth-focused services like Kids Helpline, ReachOut and eheadspace to improve the response rate to contacts from children and young people in New South Wales (Report 17, NSW, 2018).

That, in line with Roadmap to Reform, the Victorian Government develop, resource and implement an integrated and whole-of-system investment model and strategy for the child and family system, focused on: earlier intervention and prevention services to reduce risks to children and build child and family wellbeing; reducing the rate of entry to care; meeting the distinct needs of children who need to live away from the family home (Report 47, Vic, 2019).

Governments (both state and federal) should consider making long-term, outcomes-based investments in prevention and early intervention in the health of children and families, with regular review points. Investment should not be siloed by agency but should shift to person-centred (Report 5, Commonwealth, 2020).

Supporting children and families 'at risk'

That the Northern Territory Government explores with the Commonwealth the (trial) development (or expansion of) existing infrastructure in remote areas (e.g. women's safe houses, day care centres, health clinics) to provide on-community therapeutic residential options for mothers and small children where the latter have been identified as being at risk of removal into foster care because of 'failure-to thrive', neglect, or otherwise inadequate parenting. The trial of such options would need to include the development of a therapeutic intervention model and staffing/supervision options (Report 21, NT, 2010).

The Committee recommends that: monitoring of families/children at risk through child health checks should be undertaken; and where children are not attending crucial early years checks, home visits must be conducted (Report 36, Tas, 2011).

That the Department of Human Services scope, trial and evaluate a range of behaviour supports to prevent relinquishment, in consultation with, and with the oversight of, the bodies above. These models include, but are not limited to, specialist respite for children with behaviours of concern, intensive behavioural support and the Affirming Families Program (Report 40, Vic, 2015).

Sufficient services should be made available to which individual members of a family can be referred. This includes specific services for children who have witnessed or experience family violence and services for perpetrators (Report 7, ACT, 2016).

The Australian Government and state and territory governments should adequately fund therapeutic interventions to meet the needs of all children with harmful sexual behaviours. These should be delivered through a network of specialist and generalist therapeutic services (Report 2, Commonwealth, 2017).

Progress work to address unmet needs and barriers in providing therapeutic, trauma-informed services to children who witness or experience domestic and family violence (Report 46, Vic, 2019).

Early support for Aboriginal and Torres Strait Islander children and families

That, in consultation with the Director General's Aboriginal Education Advisory Group, Education should work with the Departments of Family and Community Services³⁴ and Attorney General and Justice³⁵ to develop innovative approaches that aim to keep 'hard to reach' Aboriginal young people engaged in education, including: initiatives that involve funding non-government organisations to provide services to such young people within the school environment as an alternative to suspension (Report 13, NSW, 2012).

The Department of Communities, Child Safety and Disability Services develop and fund a regional Aboriginal and Torres Strait Islander Child and Family Services program in Queensland to integrate the programs of Aboriginal and Torres Strait Islander Family Support, Family Intervention Services and Foster and Kinship Care Services Recognised entities.

These services should be affiliated with Aboriginal Community Controlled Health Services or with an alternative, well-functioning Aboriginal and Torres Strait Islander or mainstream provider (Report 23, Qld, 2013).

DET to target funding to both establish and sustain a range of Aboriginal community-based early years programs in areas with growing Aboriginal populations and high out-of-home care placement rates, in recognition of the role of community-based early years programs in prevention (Report 43, Vic, 2016).

DHHS to support ACCOs to provide culturally appropriate and timely counselling and wraparound services for the growing number of children, their families and carers who have been victims of family violence and sexual abuse (Report 43, Vic, 2016).

³⁴ Now known as the Department of Communities and Justice (NSW).

³⁵ Now known as the Attorney General's Department of NSW.

The Department of Communities and Justice should work closely with relevant agencies and service providers, including Aboriginal Community Controlled Organisations, specialist housing, health, perinatal, alcohol and other drug use, mental health and domestic and family violence services, to develop a plan to co-ordinate integrated service provision in early intervention support efforts for Aboriginal families and children. This plan should focus on providing targeted support for families from an early stage of engagement in the system. (Report 18, NSW, 2019).

The NSW Government should increase the availability of short-term refuges suitable to the needs of Aboriginal women escaping violence. Increases in the availability of short-term refuges (for temporary housing issues) should be accompanied by a longer term investment in social housing stock in NSW, with a view to increasing the availability of housing for vulnerable Aboriginal women (Report 18, NSW, 2019).

That the Victorian Government, in partnership with Aboriginal organisations, develop and provide a range of culturally responsive and gender-specific programs and services that are tailored to meet the needs of Aboriginal children under the age of 14 years who are engaging in anti-social behaviour, and to address the factors contributing to the behaviour (Report 50, Vic, 2021).

That DCP deploy additional effort and investment to support connection to culture for Aboriginal children and young people living in residential care, paying particular attention to the causes of, and potential consequences for, those who have offending behaviours or whose behaviours may risk involvement in the youth justice system (Report 30, SA, 2022).

Appendix D: Example recommendations related to supporting the needs of children already in child protection and youth justice supervision

Therapeutic approaches to care and youth justice supervision

The Department of Communities, Child Safety and Disability Services partner with non-government service providers to develop and adopt a trauma-based therapeutic framework for residential care facilities, supported by joint training programs and professional development initiatives (Report 23, Qld, 2013).

The committee recommends that states and territories increase resources available to fund therapeutic models of care, based on evidence-based evaluations of existing and proposed models (Report 1, Commonwealth, 2015).

Each state and territory government should ensure:

- the adequate assessment of all children with disability entering out-of-home care
- the availability and provision of therapeutic support
- support for disability-related needs.
- the development and implementation of care plans that identify specific risk-management and safety strategies for individual children, including the identification of trusted and safe adults in a child's life (Report 2, Commonwealth, 2017).

Should the construction of additional detention centre infrastructure be required, that consideration be given to designing facilities that are different from the current large-scale institutions. They should ideally be small in size, built in multiple locations across Queensland and potentially specialised and therapeutic in focus, to meet the circumstances of different cohorts of children; for example, girls, serious and high-risk offenders, or offenders with challenging behaviours (Report 24, Qld, 2018).

Ensure that culturally supportive therapeutic spaces as an alternative to separation, isolation or seclusion rooms are established in prisons, youth justice centres and secure welfare services (Report 56, Vic, 2019).

That the Victorian Government create and fund a suite of therapeutic options for children and young people in care that support children and young people with complex trauma and challenging behaviours to transition over time to more family-like care environments including:

- a model of care, support and accommodation tailored to the child or young person's individual needs with continued transition support to facilitate them moving into home-based care
- more flexible placement options, including two bed or single bed placements with tailored and appropriately skilled staff (not through current contingency arrangements)
- a form of professionalised foster care (Report 48, Vic, 2019).

That the Victorian Government, in its implementation of the recommendations of the In our own Words inquiry, develop and resource a model of care that embeds a young person's life aspirations, talents and goals into everyday case management and their time in placement (Report 49, Vic, 2020).

That Youth Justice ensure that its staff are adequately resourced and trained to comply with practice guidelines focused on building trusting, stable and therapeutic relationships with Aboriginal children and young people. In particular, Youth Justice staff should be equipped to understand and respond to different behaviours in Aboriginal children and young people, and to apply a culturally safe and trauma-informed approach (Report 50, Vic, 2021).

Connection to family, culture, and Country

The Department of Communities, Child Safety and Disability Services include in the cultural support plans for Aboriginal and Torres Strait Islander children a requirement that arrangements be made for regular contact with at least one person who shares the child's cultural background (Report 23, Qld, 2013).

DHHS to develop and implement an approach to address intergenerational trauma, grief and loss that is both child specific and Koori informed, and by working with the extended family groups and clans of children involved with child protection to promote healing and facilitate placement and reunion options within Aboriginal families and communities (Report 43, Vic, 2016).

DHHS and [Community Service Organisations] CSOs to work collaboratively with ACCOs to ensure that every Aboriginal child in out-of-home care can access an Aboriginal mentor (including an Aboriginal family member) who will assist in building the child's cultural identity and their connection to Country and family, and who will play an active part in supporting the child's cultural support plan and leaving care (Report 43, Vic, 2016).

That [Department of Justice and Community Safety] DJCS: (a) work with Aboriginal communities in Victoria to establish a community steering committee to guide and monitor the design and implementation of cultural services and programs in youth justice centres, (b) validate its risk assessment tools for use with Aboriginal children and young people, (c) ensure that all Aboriginal children and young people have access to culturally safe youth offending programs in custody, preferably delivered by Aboriginal organisations, (d) establish a dedicated, permanent indoor cultural space at the Malmsbury youth justice centre secure site, (e) evaluate the recent improvements to cultural spaces in youth justice centres and continue to improve these spaces to provide access to culturally enriching environments, (f) ensure that custodial placement decisions prioritise, where possible, placing Aboriginal children and young people with at least one other Aboriginal child or young person, (g) give every Aboriginal child or young person remanded or sentenced to custody a cultural connection package, preferably tailored to their needs and cultural connection. This care package should not be connected with behaviour management and incentive programs (Report 50, Vic, 2021).

That Youth Justice review and update its approach to cultural support planning, with a view to improving practice and accountability in complying with practice guidelines and strengthening the role of families. The review should consider the need for additional resourcing for Aboriginal organisations to develop and implement high-quality cultural support plans for children and young people in the youth justice system (Report 50, Vic, 2021).

That DJCS ensure that the families of Aboriginal children and young people are meaningfully involved in the Youth Justice cultural support planning process, whether by means of family group conferencing or through the strengthening of existing processes (Report 50, Vic, 2021).

Advocacy and legal support

The State Government review the priority funding it provides to Legal Aid Queensland with a view to ensuring that increased funding is applied for the representation of vulnerable children, parents and other parties in child protection court and tribunal proceedings (Report 23, Qld, 2013).

Government to ensure all Aboriginal children impacted by abuse or family violence have access to information about victim support, legal services and redress, including but not limited to [Victims of Crime Assistance Tribunal] VOCAT (Report 43, Vic, 2016).

That the Department ensures that post-legal support for all children placed on permanent care orders is provided equally, irrespective of the nature of the placement. Support should be financial and practical. Support should include managing and facilitating contact with birth families and assistance for children with complex needs; in particular, medical and disability related needs and trauma-related behaviour (Report 44, Vic, 2017).

The NSW Government should establish a Child Protection Advocacy Program to train and support a statewide network of specialist child protection advocates to give advice to, and advocate for, families who are involved in the child protection system (Report 18, NSW, 2019)

The NSW Government should establish a new, independent Child Protection Commission. The Commission should be required by legislation to operate openly and transparently (Report 18, NSW, 2019).

That the Directorate provide access and availability of Family Group Conferencing as an essential step for all Aboriginal and Torres Strait Islander families engaging or entering the child protection system (Report 10, ACT, 2019).

The Steering Committee recommends that funding be made available, as a matter of urgency, to professional legal and advocacy services that are culturally appropriate to ensure that Aboriginal and Torres Strait Islander families are able to access formal legal services (Report 10, ACT, 2019).

Establish and resource an independent advocacy function for children and young people in the CEO's care to ensure they are supported to speak out when they feel unsafe, their views are heard and responded to, and they are able to meaningfully participate in decisions about their lives. The Department's Better Care Better Service Standards 2 and 7 require that children and young people in care be supported to express their views and are made aware of individual bodies and/or agencies, including the Advocate for Children in Care, who can assist them in resolving concerns. These standards align with the rights afforded to children and young people under Articles 12 and 20 of the United Nations Convention on the Rights of the Child (Report 60, WA, 2022).

Supporting carers for children in OOHC

That kinship carers be provided with allowances at the same rate as general foster carers (Report 21, NT, 2010).

That a plan be developed around the resourcing and up-skilling of existing carers to assist with the retention of experienced carers (Report 21, NT, 2010).

The Department of Communities, Child Safety and Disability Services review: the level of financial and practical support available to potential Aboriginal and Torres Strait Islander kinship and foster carers to see whether additional support could be provided to enable carers to provide more placements for Aboriginal and Torres Strait Islander children consider introducing simplified kin-care assessment tools such as the Winangay Kinship Care Assessment Tools as an alternative to, or component of, the carer-assessment process (Report 23, Qld, 2013).

The committee recommends that COAG include in the third action plan (2015–2018) of the National Framework a project to develop and implement nationally consistent financial and practical (including training and caseworker) support for statutory and informal relative/kinship carers. This should include:

- Establishment of a national peak body for relative/kinship carers
- Accreditation and training of relative/kinship carers
- Increasing allowances available to relative/kinship carers
- Evaluation and development of nationally consistent best practice models of supported relative/kinship care (Report 1, Commonwealth, 2015).

Develop a specific package of training for general foster parents which can lead to payment of additional skills-based loadings (Report 29, SA, 2016).

Fund Connecting Foster Carers, or an appropriate alternative agency, to deliver an advocacy service with paid staff to support carers to access and exercise their rights (Report 29, SA, 2016).

DHHS to develop a resource for all kinship and home-based carers to be provided at the time a placement commences, including information about carer eligibility for payments, support, carers' and children's rights, and information about decision making and court processes (Report 43, Vic, 2016).

The Department of Communities and Justice should partner with Aboriginal community organisations and representatives to develop and implement a culturally appropriate carer assessment tool to be used in all carer assessments involving Aboriginal carers (Report 18, NSW, 2019).

That a scheme is created to enable carers to have superannuation contributions made by the South Australian Government while they provide care for children and young people (Report 32, SA, 2022).

Appendix E: Example recommendations related to transition planning and support

Safe and stable housing

Fund Housing SA to develop innovative housing models, particularly those that use supported share housing where appropriate for care leavers (Report 29, SA, 2016).

The Department of Housing and Community Development and Territory Families jointly develop a new accommodation service model that meets the specific needs of young people leaving out-of-home care to live independently. The service be responsible for finding and securing acceptable accommodation for all young people who have left the Chief Executive Officer's care and be available to those young people until they are 25 years old, consistent with section 68 of the Care and Protection of Children Act (NT) (Report 3, Commonwealth, 2017).

That the Victorian Government:

- increase investment in post-care housing options for care leavers to a level sufficient to guarantee a secure, stable and safe home for all young people upon leaving care
- ensure housing investment for Aboriginal care leavers is proportionate to their over-representation among young people leaving care
- report annually through the Aboriginal Children's Forum on housing investment for Aboriginal care leavers as a proportion of funding allocated to all care leavers
- develop and implement an integrated and demand-driven suite of housing options – which includes housing stock and support services – tailored to the diverse needs of young people leaving care.

The suite of options should include:

- social and public housing stock
- range of supported and step-down accommodation options for young people up to the age of 21 years, who are not yet ready to live independently
- a range of culturally safe housing for Aboriginal young people leaving care, including tailored supports (Report 49, Vic, 2020).

The Department of Communities, Housing and Digital Economy continue to extend and expand the Next Step Home program for women and girls to assist them to find safe and affordable housing to prevent them being detained in custody longer than is necessary. The program should be made available statewide (Report 28, Qld, 2022).

Education, employment and financial support

The Committee recommends that: support be provided for young people transitioning from out-of-home care to complete their education (Report 36, Tas, 2011)

Expand financial counselling services to manage access to post-care financial support from the Agency (Report 29, SA, 2016).

Prepare a new service model and work instruction for leaving care that incorporates the relevant elements of the National Approach, including specific reference to supporting care leavers who want to access further education and training (Report 29, SA, 2016).

That supported transition back to school following a period in detention is delivered in partnership between the Department of Education, Department of Child Safety, Youth and Women, Department of Aboriginal and Torres Strait Islander Policy and local community organisations (Report 24, Qld, 2018).

That DET develop and fund an ongoing identified Aboriginal education support role for Parkville College at each youth justice centre. The role should have a particular focus on directly assisting Aboriginal students in the classroom and with planning transition into education or employment pathways in the community (Report 26, Qld, 2021).

That the Queensland Government work with private and public sector employers to consider the viability of implementing a pathway to employment scheme and 'buddy system' in Queensland. Such a scheme should provide a pathway for women and girls with a criminal history, including those who have been in custody, to gain the experience they need to find longer term meaningful employment in public and private sector roles (Report 28, Qld, 2022).

Queensland Corrective Services, as part of its Women's Strategy 2022–2027 and the associated Action Plan, and the Department of Children Youth Justice and Multicultural Affairs improve access to quality education programs for women and girls in custody, including online programs. This must include offering basic numeracy and literacy programs and financial literacy to all women and girls who require them, whether they are serving sentences in custody or the community (Report 28, Qld, 2022).

Health care

That the Victorian Government provide a continuation of alcohol and other drug services for young offenders in need of treatment following their release from detention (Report 45, Vic, 2018).

That the Victorian Government ensure young people who have left care have access to:

- flexible and assertive mental health outreach and substance use support programs
- brokerage to support timely access to services to respond to their ongoing and unmet mental health and substance use needs (Report 49, Vic, 2020).

That the Victorian Government resource Aboriginal organisations to provide in-reach mental health support for Aboriginal children and young people in youth justice custody and facilitate transitional and post release mental health treatment for Aboriginal children and young people (Report 50, Vic, 2021).

The Queensland Government establish and fund a specialist mental health and trauma support program to provide acute and non-acute assessment, treatment and care to women and girls in custody in Queensland, including those on remand. This program will support women and girls while they are in custody, during their transition into the community and beyond to appropriately manage mental health issues and to heal from trauma experiences including in response to domestic and family violence and sexual violence. The program will deliver services that are trauma-informed and gender responsive and will aim to help women and girls to address factors contributing to their offending behaviour and reduce the risk of re-offending (Report 28, Qld, 2022).

Cultural supports

DHHS to ensure all Aboriginal children approaching leaving care are provided with targeted funding packages to ensure they can attain independence. DHHS to provide quarterly data to the ACF detailing the number of Aboriginal children leaving care, the number of targeted care packages provided and the net value of the care packages per child (Report 43, Vic, 2016).

That the Department in consultation with ACCOs create a combined cultural support and leaving care plan for Aboriginal young people to ensure that planning for their transition from care is informed by Aboriginal young people's right to build and maintain a connection to culture, community and culturally safe services (Report 49, Vic, 2020).

That the Victorian Government work with the Commonwealth Government to ensure that all Aboriginal children and young people who leave youth justice custody have access to culturally appropriate and reliable community-based support for as long as required. This may include intensive case management, housing, employment and training, and mental health, drug and alcohol and cultural support services (Report 50, Vic, 2021).

Appendix F: Systems-level barriers to addressing problems in child protection and youth justice systems – at a glance

1 Inadequate cross-system information sharing, collaboration and coordination across child protection and youth justice systems	
Cross-system information sharing	A need for improved information sharing across organisations, departments and jurisdictions
System coordination, integration and collaboration	The need for increased system coordination and integration across all stages of contact with the child protection and youth justice systems, from prevention strategies to case management, transition from care and supervision approaches
2 Limited First Nations partnership and self-determination across child protection and youth justice systems	
Compliance with the ACPP framework	A need for more consistent implementation of the ACPP across jurisdictions
Building capacity and meaningful partnerships with ACCOs	A need for adequate funding for ACCOs to provide culturally appropriate and safe services to Aboriginal and Torres Strait Islander children and families at all stages of the child protection and youth justice systems and the development and provision of training for all ACCOs staff
Ensuring agency in decision making for First Nations children and families	A need to ensure that Aboriginal and Torres Strait Islander communities are able to make decisions about practices and policies that will affect them and their children
3 Lack of mechanisms for oversight, monitoring and transparency across child protection and youth justice systems	
Independent monitoring and oversight	A need for independent oversight and monitoring of service quality, needs and outcomes of vulnerable children and families
Internal monitoring and oversight – KPIs	A key sub-theme in recommendations relating to transparency and monitoring of system processes and practices related to internal tracking of the outcomes of children and young people in OOHC and youth justice supervision
Monitoring the implementation of recommendations and government responses to recommendations	Some reports recommended the establishment of an independent body to monitor the implementation of recommendations and responses, while others supported state/territory governments to self-monitor
Evaluation and reporting of data	Evaluating and monitoring outcomes – in particular, for specific cohorts such as Aboriginal and Torres Strait Islander children and ‘crossover’ children
Transparency and communication with families	Open communication between the ‘system’ and the families within it
4 Limited workforce capacity and support	
Supporting a workforce under strain	Greater social and therapeutic supports for staff and adequately resourcing teams to support them to continue their work
Upskilling and professional development	Upskilling of both the universal and specialist workforce such as teachers, nurses, general practitioners and police
A trauma-informed workforce	Trauma-informed approaches to care and youth justice, with ongoing training recommended for youth justice staff, as well as carers and child protection staff

A culturally competent workforce	A need for the workforce to be culturally competent such as ensuring that staff who worked with Aboriginal children and families were equipped with adequate training and knowledge
5 Inadequate levels of investment across child protection and youth justice systems	
Additional investment and expenditure	The need for additional investment and expenditure across the service system such as establishing new task forces, increasing workforce numbers, data collection mechanisms and therapeutic services and supports for children and families, and greater resourcing across child protection and youth justice
6 Limited opportunities for child voice participation across child protection and youth justice systems	
Creating a voice for children	A need to increase child voice and participation across the child protection and youth justice systems and for focused consultation and involvement of children and young people in decisions that affect them